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LIST OF REFERENCES ON THE
TREATY-MAKING POWER

COMPILED UNDER THE DIRECTION OF
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TABLE OF CONTENTS

	Page
Prefatory note.....	5
Treaty-making power: General.....	7-37
Treaty-making power in foreign States, particularly Great Britain.....	38-48
Treaty-making power in the United States:	
I. General discussions and collections.....	49-96
II. Under the Confederation.....	96-100
III. As considered in the Federal convention and before the adoption of the Constitution.....	101-109
IV. As considered in writings on the Constitution.....	109-117
Considerations in respect to special treaties.....	118-204
Author index.....	205-213
Subject index.....	214-219

PREFATORY NOTE

The provisions in the Constitution of the United States concerning treaty making have always given rise to a great deal of discussion but never more so than at the present time. The list here presented covering such discussions and related literature is arranged with a view to the logical development of the subject. It begins with general discussions on treaty making as found largely in treatises of international law, followed by discussions of the practice in other countries. Then the United States is taken up and here the grouping is largely historical. First general discussions, then treaty making under the Confederation, discussions attending its disposition in the constitutional convention, and constitutional treatises, lastly a group of discussions of special treaties arranged chronologically from the beginning down to recent date.

The bulk of the material for the list was brought together and the general scheme of presentation devised under the former Chief Bibliographer, Mr. A. P. C. Griffin, who had the assistance of Mr. William A. Slade, the chief assistant in the division. The compilation of later material and the preparation for the press has been done under the present Chief Bibliographer with the assistance of Miss F. S. Hellman.

The object in view in the arrangement of the material is to afford a historical view of the treaty-making power as exercised in typical instances.

H. H. B. MEYER,
Chief Bibliographer

APPLETON P. C. GRIFFIN

Acting Librarian of Congress

Washington, D. C., September 8, 1919

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- 1 **Albin**, Pierre. Les grands traités politiques; recueil des principaux textes diplomatiques depuis 1815 jusqu'à nos jours avec des notices historiques et des notes; préface de M. Maurice Herbette. 2. éd. rev. et mise au courant.

Paris, F. Alcan, 1912. 2 p. l., xi, 605 p. 23^{cm}. (Bibliothèque d'histoire contemporaine)

13-8163

JX172.A6

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- 2 **Anzilotti**, Dionisio. Il diritto internazionale nei giudizi interni. *Bologna, Ditta N. Zanichelli, 1905. 2 p. l., vi p., 1 l., 328 p. 23¹/₂cm.*

See Index: Trattati internazionali: p. 328.

8-36405

JX1248.A6

- 3 —— Interpretazione dei trattati.

Rivista di diritto internazionale, 1915, v. 9: 211-214.

JX7.R6,v.9

- 4 —— Volontà e responsabilità nella stipulazione dei trattati internazionali.

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- 5 **Appert**, G. De l'interprétation des traités diplomatiques au cours d'un procès.

Journal du droit international privé, 1899, v. 26: 433-461.

JX6002.J5,v.26

- 6 **Baker**, Sir George Sherston, bart. First steps in international law; prepared for the use of students.

Boston, Little, Brown, & company; London, K. Paul, Trench, Trübner & co., ltd., 1899. 3 p. l., [ix]-xxxi, 428 p. 22¹/₂cm.

Treaty-making power, p. 94-95; Legislation to give effect to treaties, p. 96; under the Constitution of the United States, p. 97; How far a treaty operates *Proprio vigore*, p. 97-98. See also, in general, chapter VIII, Rights of legation and treaty, p. 92-108.

10-17119

JX3211.F5 1899

7 **Barbeyrac, Jean.** Histoire des anciens traitez, ou, Recueil historique et chronologique des traitez répandus dans les auteurs grecs & latins, & autres monumens de l'antiquité, depuis les tems les plus reculez, jusques à l'empereur Charlemagne.

Amsterdam, Chez les Janssons à Waesberge, Wetstein & Smith; [etc., etc.] 1739. 2 v. in 1. front. 47^{cm}.

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8 **Barclay, Sir Thomas.** Problems of international practice and diplomacy, with special reference to the Hague conferences and conventions and other general international agreements.

London, Sweet & Maxwell ltd.; Boston, Mass., Boston book company, 1907. xix, 383, [1] p. 28 x 22½^{cm}.

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7-42317

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9 **Bergbohm, Carl.** Staatsverträge und Gesetze als Quellen des Völkerrechts.

Dorpat, C. Mattiesen, 1877. 2 p. l., 110 p. 21^{cm}.

3-10983

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London, Macmillan and co., 1868. viii, 205 p. 22½^{cm}.

The obligation of treaties: p. 163-205.

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11 **Bluntschli, Johann Kaspar.** Le droit international codifié, tr. de l'allemand par M. C. Lardy. 5. éd., rev. et augm.

Paris, Guillaumin et cie, 1895. xxxii, 602 p. 23^{cm}. (Économistes et publicistes contemporains)

Des traités: p. 238-263, 356-357, 395-406.

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12 —— Das moderne Völkerrecht der civilisirten Staten als Rechtsbuch dargestellt. 3. mit Rücksicht auf die neueren Ereignisse bis 1877 ergänzte Aufl.

Nördlingen, C. H. Beck, 1878. xii p., 1 l., 541 p. front. (port.) 23½^{cm}.

Völkerrechtliche Verträge: Erfordernisse und Wirkungen der völkerrechtlichen Verträge: p. 233-239; Form der Verträge: p. 239-242; Verstärkung der Verträge: Garantieverträge: p. 242-248; Arten der völkerrechtlichen Verträge: p. 249-252; Von den Allianzen insbesondere: p. 252-254; Aufhören der Vertragsverbindlichkeit: p. 255-259.

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- 14 **Bonucci**, ——. Die clausula rebus sic stantibus im zwischenstaatlichen Recht.
Zeitschrift für Völkerrecht und Bundesstaatsrecht, 1910, v. 4: 449-471.
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 [1] p., 1 l. 23cm.
 "Literaturverzeichnis," 1 p. at end.
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- 16 [Buonamici, Francesco.] Dei trattati internazionali in quanto sono mezzi d'incivilimento. Discorso inaugurale per la riapertura dell' anno scolastico 1878-79 nella R. Università di Pisa.
[Pisa, Tip. I. Nistri e c., 1878] 1 p. l., [5], 58 p. 23cm.
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Revue contemporaine, 1870, v. 74: 737-744.
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 10-15585 JX2984.D5 1896

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Berlin [etc.] Akademischer Verlag für sociale Wissenschaften, Dr. John Edelheim, 1902. 154 p. 23 $\frac{1}{2}$ ^{cm}.
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36 — International law codified and its legal sanction; or, The legal organization of the society of states . . . Translation from the 5th Italian ed., with an introduction by Edwin M. Borchard.

New York, Baker, Voorhis and company, 1918. xix, 750 p. 24cm.

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37 **Fish**, Carl Russell. American diplomacy. 3d ed., rev.

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38 **Fisk**, George Mygatt. International commercial policies, with special reference to the United States; a text book.

New York, The Macmillan company; London, Macmillan & co., ltd., 1911. xvi, 288 p. 19cm. (The citizen's library of economics, politics, and sociology, ed. by R. T. Ely)

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London, Printed by W. Clowes and sons, limited, 1885. 12 p. 21¹/₂^{cm}.

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(*In Great Britain. Parliament. Sessional papers, 1903. Cd. 1807.*)

Commercial. no. 9 (1903)

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54b —— The map of Europe by treaty; showing the various political and territorial changes which have taken place since the general peace of 1814. With numerous maps and notes.

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- 213 **Dupriez**, Léon. Du mode d'intervention des chambres dans l'approbation des traités internationaux qui contiennent des dérogations aux lois du pays.

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- 215 **Ewald**, Alexander Charles. The crown and its advisers; or, Queen, ministers, Lords, & Commons.

Edinburgh and London, W. Blackwood and sons, 1870. 3 p. l., [v]-vii, [1], 222 p. 18½cm.

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- 217 **Gorius**, Fr. Das Vertragsrecht des Deutschen Reichs.

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220 **Laband**, Paul. Le droit public de l'Empire allemand. Éd. française rev. et mise au courant de la dernière législation par l'auteur.

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Les traités internationaux : Définition et nature juridique : v. 2, p. 436-447; Conclusion des traités internationaux : p. 447-483; De la validité des traités internationaux : au point de vue du droit public : p. 484-504; Foot-note references.

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JA11.R5,v.21

222 **Lee**, Sidney. The prime minister and the crown.

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Paris, A. Chevalier-Marescq & Cie, 1901. 3 p. l., 520 p. 23^{cm}.

Reviews the history of the rôle played by the assemblies of France in the treaty-making power, and gives an exposition of the power as it now exists under the French constitution of 1875. A chapter is devoted to the rôle of chambers as to treaties in foreign constitutions, under four heads, namely: 1. Constitution not requiring the sanction of the legislative power for the conclusion of a treaty (England); 2. Constitutions requiring the sanction of the legislative power for certain treaties (Belgium, Italy, Austria, Germany, Spain, Netherlands); 3. Constitutions requiring the sanction of the legislative power for all treaties (United States). The true rôle that chambers should play in the treaty-making power is the subject considered in the fourth and last chapter.

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- 224 **Moore**, William Harrison. *Act of state in English law.*
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 "Direct external relations of states", p. 100-114; "Civil
 discord in foreign countries", p. 115-119; "Acts under the
 authority of a foreign sovereign", p. 120-131; "Treaties as
 sources of right", p. 132-135; "Treaties in relation to con-
 tracts and private debts", p. 136-138; "Discharge of obliga-
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 "Actions by foreign sovereigns", p. 146-156; "Succession to
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- 225 **Moreau**, Félix Pierre Louis. *Précis élémentaire de droit con-
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- 226 **Ottley**, Henry. *On the errors and mischiefs of modern diplo-
 macy, as based upon the assumed prerogative of the crown
 in matters of peace and war; with particular reference
 to the treaty of Washington of 1871, and the negotiations
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 bunal of arbitration on the 28th June.*

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JX238.A7 1872h

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— Supplément. 2. éd. entièrement refondue.

*Paris, Librairies-imprimeries réunis, 1910. xxxix, 1049 p.,
 1 l. 25 $\frac{1}{2}$ cm.*

Traités internationaux. Comment négociés et ratifiés, autre-
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 des traités soumis à la ratification des Chambres: 549; le
 Pouvoir législatif n'a pas le droit de lier d'avance le Pouvoir
 exécutif: 550, 551; délibération sur les traités, 863 et suiv.;
 reproduction d'un traité rejeté: 70; règles spéciales à la
 promulgation des traités: 506; cas d'arbitrage diplo-
 matique: 92.

12-25725-6

JN2791.P6 1910

228 **Ratification** of treaties; methods and procedure in foreign countries relative to the ratification of treaties, also extracts from the executive Journal of the Senate relative to proceedings in cases of treaties rejected by the Senate.

*Washington, Govt. print. off., 1919. 280 p. incl. forms.
23cm. ([U. S.] 66th Cong., 1st sess. Senate. Doc. 26)
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229 **Robinet de Cléry.** Des conditions de validité des traités diplomatiques dans l'état actuel de notre législation.

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447-453.*

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231 **Todd**, Alpheus. On parliamentary government in England: its origin, development, and practical operation.

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The right of making treaties: v. 1, p. 609-614.
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232 —— Parliamentary government in England: its origin, development, and practical operation. New ed., abridged and rev. by Spencer Walpole.

London, S. Low, Marston & company, limited, 1892. 2 v. 19 $\frac{1}{2}$ cm.

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233 **Traill**, Henry Duff. Central government. Rev. and cor. by Sir Henry Craik.

*London, Macmillan and co., limited, 1908. v. 165 p. 19 $\frac{1}{2}$ cm.
(The English citizen: his rights and responsibilities.)*

Direction and control of foreign affairs: p. 74 et seq.

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234 **Treaty-making power** and the empire.

Law journal, June 11, 1910, v. 45: 386.

Effect in developing an imperial constitution in Great Britain.

235 Twiss, Sir Travers. On the treaty-making power of the Crown: "Le Parlement Belge."

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236 U. S. 58th Cong., 3d sess., 1904-1905. Senate. Constitutional methods of making and ratifying treaties in certain foreign countries, and also list of arbitration treaties and conventions submitted to and acted upon by the Senate. February 14, 1905.—Presented by Mr. Lodge and ordered to be printed. February 20, 1905.—Ordered reprinted with additions.

[Washington, Gov't print. off., 1905] 9 p. 23^{cm}. (58th Cong., 3d sess. Senate. Doc. 158)

6-11836

Serial no. 4766

237 —— Dept. of state. The treaty-making power in various countries. A collection of memoranda concerning negotiation, conclusion, and ratification of treaties and conventions, with excerpts from fundamental laws of various countries.

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Tübingen, J. C. B. Mohr (P. Siebeck) 1911. viii, 103 p. 24^{1/2}^{cm}. (Abhandlungen aus dem Staats-, verwaltungs- und völkerrecht . . . [bd.] VII [hft.] 5)

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239 Walpole, Sir Spencer. Foreign relations.

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GREAT BRITAIN: COLONIES

241 Canada and the treaty-making power.

Spectator, Jan. 2, 1904, v. 92:7.

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- 242 **De Sumichrast.** Independence and the treaty making power.
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- 243 **Hodgins, Thomas.** Canada and the treaty-making power.
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- Formulates a claim "for enlarged treaty-making powers 'subject to the veto of the Sovereign.'" AP5.C2,v.22
- 244 **Keith, Arthur Berriedale.** Foreign policy and the democracies of the empire.
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- 247 **Macdonnel, John.** Dominions and treaty making powers.
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- 248 **Skelton, O. D.** Canada and the most favored nation treaties.
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- 249 **Smith, Goldwin.** Can Canada make her own treaties?
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- 250 **Stuart-Linton, Charles E. T.** The colonies and treaty powers.
Empire review, Feb. 1904, v. 7: 94-96. DA10.E5,v.7
- 251 **Todd, Alpheus.** Parliamentary government in the British colonies. 2d ed., edited by his son.
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I. GENERAL DISCUSSIONS AND COLLECTIONS

253 **Abbott**, Lyman. The power of the government to make a general arbitration treaty.

(*In Lake Mohonk conference on international arbitration, 11th report, 1905.* p. 68-71. Lake Mohonk, 1905. 22 $\frac{1}{2}$ cm.)

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254 **Adams**, John Quincy, *pres. U. S.* Memoirs of John Quincy Adams, comprising portions of his diary from 1795 to 1848. Ed. by Charles Francis Adams.

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255 **Alger**, George W. The states and national treaties.

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256 **America** and arbitration.

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"The fact is that what drove the Senate to act as it did in 1897 and again last Saturday was, beyond everything else, the primal instinct of self-preservation. The Constitution lodges in the Senate the right to a final voice in the conduct of foreign affairs; all treaties, to be effective, must be ratified by a two-thirds majority of the Senators present. And that is a prerogative which the Senate has not the least intention of relinquishing."

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- 259 **Bacon**, Augustus O. The treaty-making power of the President and the Senate.

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- 260 **Baldwin**, Simeon E. Schooling rights under our treaty with Japan.

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- 261 **Barrett**, James T. International agreements without the advice and consent of the Senate.

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- 262 **Bascom**, John. Growth of nationality in the United States; a social study.

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- 264 **Bigelow**, John. Breaches of Anglo-American treaties; a study in history and diplomacy.

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- 265 **Biklé**, Henry Wolf. The constitutional power of Congress over the territory of the United States.

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- 266 **Bird**, C. B. Right of states to pass local laws in conflict with foreign powers.

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267 **Boyd**, James H. Limitations of the treaty-making power of the president of the United States with the concurrent power of the Senate.

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2-7104

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272 [Cadwalader, John L.] Notes upon treaties and conventions concluded between the United States and foreign powers since May 1, 1870, and upon the construction thereof, with some references to recent construction of the foreign treaties of the United States, and to late judicial decisions relating thereto, and to the causes of abrogation of some of the same.

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275 ——— Le pouvoir exécutif aux États-Unis, étude de droit constitutionnel. 2. éd., rev., cor. et augm., avec préface de M. Pierre de Chambrun.

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- 277 **Clayton**, J. C. A new view of the deportation cases in the Supreme Court. Is Congress empowered to abrogate a treaty?

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- 278 **Cockes**, William Archer. The supremacy of a treaty and the sovereignty of a state.

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Review of the decision of the Supreme Court in the case of the United States *v.* Forty-three gallons of Whiskey, 93 U. S., 188. Cites: *Foster and Elam v. Neilson*, 2 Pet., 314; *United States v. Holliday*, 3 Wall., 409.

- 279 **Coleman**, William C. The treaty power and its relation to state laws.

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- 280 **Corwin**, Edward Samuel. The doctrine of judicial review, its legal and historical basis, and other essays.

Princeton, Princeton university press, 1914. vii p., 1 l., 177 p. 21cm.

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- 281 ——— National supremacy; treaty power vs. state power.

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Reviewed in *Nation*, Jan. 15, 1914. v. 98: 61.

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- 282 ——— The President's control of foreign relations.

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- 283 ——— Treaty-making power: a rejoinder.

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AP2.N7,v.199

- 284 Crandall, Samuel Benjamin. Treaties, their making and enforcement.

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H31.C7,v.21

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CONTENTS.—Introduction; Pt. I. The United States: Div. I. Prior to the Constitution: Prior to the Articles of Confederation; Under the Articles of Confederation; The Federal convention; Discussion preceding the adoption of the Constitution. Div. II. Under the Constitution: I. The making: The advice and consent of the Senate; Powers of the President; Agreements reached by the executive without the advice and consent of the Senate; Agreements reached by the executive in virtue of Acts of Congress; Agreements entered into by states of the union. II. The execution or enforcement: Operation of treaties as municipal law; Treaties involving an appropriation; Treaties involving a modification of the revenue laws; Treaties for the acquiring and cession of territory; Legislation to give effect to various other treaties; Treaties involving subjects otherwise under the control of the individual states; Jurisdiction of federal courts; Pt. II. Foreign states. Pt. III. The operation of treaties as between states: Date of taking effect; Determination of disputed interpretations of treaties; Aids in the interpretation of treaties; The American construction of the Most-favored-nation clause; Termination of treaties. Appendix I. A digest of decisions of American courts construing treaties arranged by countries and treaties; Appendix II. Forms. Index.

16-6404

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- 286 Croswell, Simon Greenleaf. The treaty-making power under the Constitution.

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making power confided to the President and Senate covers commercial treaties," the following cases and references: Taney, C. J. in *Holmes v. Jennison*, 14 Pet. 519, United States *v. Forty-three Gallons*, 93 U. S. 196, Story on Const., sec. 1508; *Taylor v. Morton*, 2 Curtis, 454 (*Tariff of 1842* 5 Stat. at L. 548); *Foster v. Neilson*, 2 Pet. 314; *Scott v. Sandford*, 19 How., 629; *Ropes v. Clinch*, 8 Blatchf. C. C. 304; *Bartram v. Robertson*, 15 Fed. Rep. 112, 212; *Edge v. Robertson*, 18 Fed. Rep., 185.

- 287 **Cullom, S. M.** The treaty-making power.

North American review, Mar. 1905, v. 180: 335-346.

Upholds the constitutional right of the Senate to make reciprocity treaties.

AP2.N7,v.180

- 288 **Currey, John.** State *v.* Treaty rights.

Lawyer and banker, Feb. 1913, v. 6: 6-16.

Chicago legal news, Feb. 22, 1913, v. 45: 226-228.

- 289 **Cushing, Caleb.** Droit d'aubaine. The government of the United States has constitutional power to enter into treaty stipulations with foreign governments, for the purpose of restricting or abolishing the property disabilities of aliens or their heirs in the several States. Feb. 26, 1857.

(In U. S. Dept. of justice. Official opinions of the Attorneys general, v. 8, comp. by C. Cushing. p. 411-418. Washington, 1858.)

- 290 **D., A. J.** The treaty-making power. Can the President and Senate set aside the law and establish free-trade?

American economist, Feb. 7, 1902, v. 29: 62-63.

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- 291 [Davis, J. C. Bancroft.] Notes upon the foreign treaties of the United States; with some references to negotiations preceding them; to the executive, legislative, or judicial construction of them; and to the causes of the abrogation of some of them.

(In U. S. *Treaties, etc.* Treaties and conventions concluded between the United States of America and other powers, since July 4, 1776. Rev. ed., p. 927-1082. Washington, 1873.)

JX236 1873

(Also appears as Senate ex. doc. no. 36, 41st Cong., 3d sess. (Serial no. 1441). Some incomplete copies of the first edition of this compilation, without the notes and indexes, got into circulation. The notes and indexes were also issued in separate form.)

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292 [Davis, J. C. Bancroft.] Notes upon the foreign treaties of the United States; with some references to negotiations preceding them; to the executive, legislative, or judicial construction of them; and to the causes of the abrogation of some of them.

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- 313 **Gallatin**, Albert. The writings of Albert Gallatin. Ed. by Henry Adams.
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- 314 **Graydon**, William. An abridgment of the laws of the United States. Or, A complete digest of all such acts of Congress as concern the United States at large. To which is added, an appendix, containing, all existing treaties, the Declaration of independence, the Articles of confederation, the rules and articles for the government of the army, and the ordinance for the government of the Territory north-west of the Ohio.
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- 339 ——— Same. *New York and London, G. P. Putnam's sons, 1904-'05.* 12 v. fronts (ports.) fold. map, plans, facsimis. (part fold.) $24\frac{1}{2}$ ^{cm.}

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Washington, D. C., Issued under the auspices of the Thomas Jefferson memorial association of the United States 1904-05. 20 v. fronts., plates, ports., fold. map, facsimis. (part fold.) 22½cm.

"A contribution to bibliography of Thomas Jefferson, compiled by Richard Holland Johnston": v. 20 (iv, 73 p.)

4-18791

E802.J471

340a ——— *Same. Washington, D. C., Issued under the auspices of the Thomas Jefferson memorial association of the United States, 1905. 20 v. in 10. fronts., plates, ports., facsimis. (part fold.) 22½cm.*

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341 ——— The Jeffersonian encyclopedia; a comprehensive collection of the views of Thomas Jefferson classified and arranged in alphabetical order under nine thousand titles relating to government, politics (law, education, political economy, finance, science, art, literature, religious freedom, morals, etc.); ed. by John P. Foley.

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Quotations from Jefferson's writings on treaties, with references to the sources, and including discussions of the treaty-making power, p. 874-886; Jay treaty, p. 436-438.

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Washington, William Cooper; and by Joseph Milligan, Georgetown, 1812. 188 p. 13cm.

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Revue du droit public et de la science politique en France et à l'étranger. July-Sept., 1904, v. 21: 455-514.

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Political science quarterly, Sept. 1897, v. 12: 420-449.

Describes the procedure in formation of treaties, and gives some account of the treaty-making prerogative in various countries particularly in the United States. Gives examples of the exercise of powers vested in the President and Senate respecting ratification of treaties.

H1.P8,v.12

345 **Kasson**, John Adam. The evolution of the Constitution of the United States of America and History of the Monroe doctrine.

Boston and New York, Houghton, Mifflin and company, 1904. xviii, 273, [1] p. front., port. 21cm.

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4-33896

JK116.K3

346 —— Reciprocity; the benefits that will accrue to this country by the confirmation of the treaties now pending in the United States Senate.

[*Chicago, Rogers and Wells printers, 1901]* 44, [4] p., 1 l. 19cm.

"Delivered before the Illinois manufacturers' association at Chicago, October 24, 1901."

Discusses among other topics, "Are reciprocity treaties warranted by our Constitution," "Their relation to the most-favored-nation clause," "The Congressional reciprocity of 1890 and 1897," etc.

Mr. Kasson's conclusion is "that reciprocal commercial conventions, duly ratified, may make concessions of duties, as well as of other commercial favors and privileges; and that they will remain in force until repealed by Congress."

9-26020

HF1731.K3

347 **Kellogg**, Frank B. Treaty making power.

(*In American bar association. Report, 1913. Baltimore, 1913. 23½cm. p. 331-359.*)

Also printed in *Chicago legal news*, Oct. 11, 1913, v. 46: 75-76, 78-80; *Ohio law bulletin*, Oct. 20, 1913, v. 58: 401-414. Summary printed in *American legal news* Sept. 1913, v. 24: 23-24; *Washington law reporter*, Sept. 12, 1913, v. 41: 590-591.

348 **Kuhn**, Arthur K. The treaty-making power and the reserved sovereignty of the states.

Columbia law review, Mar. 1907, v. 7:172-185.

"From the very nature of our government, the treaty-making power must reside centrally or nowhere. If there be a limitation upon the power of the President and Senate to enter into a particular treaty, the power of the entire nation has been so much cut down." p. 184.

349 **Lawrence**, William. The treaty power under the Constitution of the United States.

[*Washington, D. C., 1871-1875.*] 4 pts. in 1 vol. 8°.

A made up volume with inserted manuscript title-page and preface, the latter reading:

"The following papers were written in form of arguments for the purposes therein indicated. In them will be found, to some extent, a discussion of the Treaty Power under the Constitution of the United States, with a reference to many authorities and official documents which may be found useful in the investigation of the subject.

"The reader is also referred to the case of *Wood vs. The M. K. and T. Railway Co.*, 11 Kansas Reports 328, and *Holden vs. Joy*, 17 Wallace Reports 11.

"W. L."

Included are the following: Peter J. Holden, appellant, *vs. James Joy*, Supreme Court of the United States, December term, 1871; Argument of William Lawrence, on behalf of citizens of Kansas, against the claims of the Missouri, Kansas and Texas railroad company and the Leavenworth, Lawrence and Galveston railroad company, to any part of the Osage lands in Kansas, and in favor of the claims of settlers thereon; The Leavenworth, Lawrence and Galveston railroad company, appellant, *vs. the United States*, Supreme Court of the United States, October term, 1874; The Leavenworth, Lawrence, and Galveston Railroad company, and the Farmers' Loan and Trust Company, appellants, *vs. the United States*, Supreme Court of the United States, October term, 1875.

350 [**Lawrence**, William Beach. Treaties and the legislative authority of Congress.]

(In Wheaton, Henry. Elements of international law. 2d annotated ed. by William Beach Lawrence, p. 458-460. Boston, 1863. 8°.)

A note touching on the debates in Congress in 1796 and 1816 on the treaties with Great Britain and on the debates during the session 1853-1854 on the appropriations required for the convention then recently entered into by the President and Senate with Mexico. Public treaties. The authority required to declare a treaty no longer operative and the convention of 1831 with France are also discussed.

- 351 Leake, Walter. The limitations upon the treaty-making power.
Virginia law register, July, 1915, n. s. v. 15: 72-75.
- 352 Lewis, William Draper. Treaty powers: protection of treaty rights by federal government.
American academy of political and social science. Annals, Sept. 1909, v. 34: 313-328. H1.A4,v.34
- 353 [Lincoln, Enoch] The decision of the King of the Netherlands considered in reference to the rights of the United States and of the state of Maine.
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“Treaty-making power,” p. 13-17. “the United States have no constitutional power to deprive a state of a portion of her territory and without her consent cede that territory to a foreign power.”
- 354 Littlefield, Charles E. Constitutional aspect of the arbitration treaties.
(In Lake Mohonk conference on international arbitration, 11th report, 1905. p. 71-79, Lake Mohonk, 1905. 22¹/₂^{em}.) JX1932.L3 1905
- 355 Lodge, Henry Cabot. The Senate.
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Includes a summary of the development of the treaty-making power.
- 356 ——— The Senate of the United States.
(In his A frontier town and other essays, p. 56-85. New York, 1906. 21¹/₂^{em}.) Treaty-making power, p. 79-80 E173.L79
- 357 ——— The treaty-making powers of the Senate.
Scribner's magazine, Jan. 1902, v. 31: 33-43. AP2.S4,v.31
Reprinted in the author's “A fighting frigate, and other essays and addresses,” N. Y., 1902, and also as Senate doc. no. 104, 57th Cong., 1st sess. (Serial no. 4230). Senator Lodge sets forth his conclusions as follows:
“The results of the preceding inquiry can be easily summarized. Practice and precedent, the action of the Senate and of the Presidents, and the decision of the Supreme Court show that the power of the Senate in the making of treaties has always been held, as the Constitution intended, to be equal to and coordinate with that of the President, except in the initiation of a negotiation, which can of necessity only be undertaken by the President alone. The Senate has the right to recommend entering upon a negotiation; or the reverse; but the right it has wisely refrained exercising, except upon rare occasions. The Senate has the right to amend, and this right

it has always exercised largely and freely. It is also clear that any action taken by the Senate is a part of the negotiation, just as much so as the action of the President through the Secretary of State. In other words, the action of the Senate upon a treaty is not merely to give sanction to the treaty, but is an integral part of the treaty-making, and may be taken at any stage of a negotiation."

- 358 **Loughbridge**, William. [The rights, the powers, and the constitutional prerogatives of the House of Representatives. Speeches on the House bill making an appropriation of money to carry into effect the treaty with Russia of March 30, 1867.]

Congressional Globe, 40th Cong., 2d sess., part 4, June 30, 1868, p. 3621-3625; part 5, July 23, 1868, p. 4393-4394.

- 359 **Low**, A. M. The oligarchy of the Senate.

North American review, Feb. 1902, v. 174; 231-244.

Discusses the Senate's exercise of power over treaty making.
AP2.N7,v.174

- 360 ——— The usurped powers of the Senate.

American political science review, Nov. 1906, v. 1:1-16.

J1A1.A6,v.1

- 361 **Lyman**, Theodore. The diplomacy of the United States. Being an account of the foreign relations of the country, from the first treaty with France, in 1778, to the present time. 2d ed.—with additions.

Boston, Wells and Lilly, 1828. 2 v. 23cm.

Commercial convention of 1818 with Great Britain, v. 2, p. 76-118; Convention of navigation and commerce of 1822 with France, p. 170-190; Colonial trade with Great Britain, p. 310-334.

4-20773

JX1412.L9 1828

- 362 **McCall**, S. W. The power of the Senate.

Atlantic monthly, Oct. 1903, v. 92: 433-442.

"The expansion of the power of the Senate in an undemocratic as well as an unconstitutional direction is also seen in the growing tendency to pass laws, and especially taxation laws, by treaty," page 441.

AP2.A8,v.92

- 363 **Macfarland**, H. B. F. The arbitration treaties laid before the Senate last winter.

(In Lake Mohonk conference on international arbitration. Report 1905, p. 58-64. Mohonk Lake, 1905.)

JX1932.L3 1905

- 364 **Maclay**, William. *Journal of William Maclay, United States senator from Pennsylvania, 1789-1791.* Ed. by Edgar S. Maclay.

New York, D. Appleton and company, 1890. xiv p., 1 l., 438 p. front. (port.) 22 $\frac{1}{2}$ cm.

The President in the Senate chamber and early procedure in the consideration of treaties illustrated in the consideration of certain Indian treaties: p. 128-133.

9-26607

JK1036 1789d

- 365 —— Sketches of debate in the first Senate of the United States, in 1789-90-91. Ed. by George W. Harris.

Harrisburg, L. S. Hart, printer, [c1880] xvii, 257 p. front. (port.) 23 $\frac{1}{2}$ cm.

The President in the Senate chamber and early procedure in the consideration of treaties illustrated in the consideration of certain Indian treaties: p. 122-126.

A13-1973

JK1036 1791

- 366 **Madison**, James, pres. *U. S.* Letters and other writings of James Madison. Published by order of Congress.

Philadelphia, J. B. Lippincott & co., 1865. 4 v. front. (port.) 24cm.

Discussions on treaties and the treaty-making power in all four volumes. See especially, Letter to Edmund Pendleton, July 2, 1791, v. 1, p. 523-526; Helvidius in answer to Pacificus, v. 1, p. 607-654; letters to Jefferson on the Jay treaty, Dec. 27, 1795, Jan. 31, March 13, April 4, April 11, April 18 and May 1, 1796, v. 2, p. 69-70, 75-76, 88-91, 94-95, 99-100; Letters to James Monroe, on the Jay treaty, Jan. 26, May 14, 1796, v. 2, p. 73, 101-102; Amendment proposed by Virginia, requiring the consent of the House of Representatives to treaties, v. 2, p. 82-83; "Treaties," v. 2, p. 260-288, (in "A memoir, containing an examination of the British doctrine, which subjects to capture a neutral trade not open in time of peace"); "Remarks on an extract from Hamilton's report, published in the Richmond Enquirer," v. 3, p. 515; Letter to George Tucker, July 6, 1833, v. 4, p. 303; Letter to Edward Coles, Oct. 15, 1834, v. 4, p. 370.

9-32150

E313.H22

- 367 —— Letters of Helvidius; written in reply to Pacificus, on the President's proclamation of neutrality. Published originally in the year 1793.

Philadelphia: Printed by Samuel H. Smith, no. 118, Chestnut street, 1796. 48 p. 22cm.

9-32150

E313.H22

368 **Madison**, James, *pres. U. S.* The papers of James Madison, purchased by order of Congress; being his correspondence and reports of debates during the Congress of the confederation, and his reports of debates in the Federal convention; now published from the original manuscripts, deposited in the Department of state, by direction of the Joint library committee of Congress, under the superintendence of Henry D. Gilpin.

Washington, Langtree & O'Sullivan, 1840. 3 v. facsim. 24cm.

See especially Madison's letter to Edmund Randolph, May, 1783, dealing largely with commercial treaties, v. 1, p. 533-538, the discussion of Jay's report on the treaty of peace, 1787, v. 2, p. 595-597, the operation of treaties on the States under the Confederation, v. 2, p. 595, 616, 635, 639, 658, 712, 729, and some portions of the debates on the Federal convention of 1787 as have to do with the treaty-making power, references to which are to be found in the index, v. 3, p. cxxxiii-cxxxiv.

6-17045

JK111.M2

369 ——— An examination of the British doctrine, which subjects to capture a neutral trade, not open in time of peace.

[*Philadelphia? 1806?*] 1 p. l., 5-204 p. 23cm.

Treaties: p. 43-78.

10-17356

JX5316.M26

370 ——— The writings of James Madison, comprising his public papers and his private correspondence, including numerous letters and documents now for the first time printed. Ed. by Gaillard Hunt.

New York [etc.] G. P. Putnam's sons, 1900-10. 9 v. front. (port.) illus., 6 facsim. (partly fold.) 23½cm.

1-20807

E302.M22

371 **Marshall**, John. John Marshall, complete constitutional decisions, ed. with annotations historical, critical and legal, by John M. Dillon.

Chicago, Callaghan & co., 1903, xi, [1], 799 p. front. New York [etc.] G. P. Putnam's sons, 1900-10. 9 v., front. (port.) 2 fold. facsim. 24cm.

Constitutional power of the United States to acquire territory by conquest or treaty, *American Insurance company v. Canterbury*, p. 586-603. Various treaties with the Indians, p. 688, 703, 704, 706, 710, 711, 713; Treaty of Holston, p. 688, 711, 713; Treaty of Hopewell, p. 688, 706, 710; Cherokee Nation v. Georgia, p. 655-679; Worcester v. Georgia, p. 680-723.

3-32779

JK181.M32 1903

372 May the United States protect immigrants?

Outlook, May 29, 1909, v. 92:251.

AP2.08,v.92

373 Meier, Ernst. Über den Abschluss von Staatsverträgen.

Leipzig, Duncker & Humblot, 1874. xiii, 368 p. 23cm.

Die Vereinigten Staaten von Nordamerika: p. 163-211.

"That a treaty cannot invade the constitutional prerogatives of the legislature is thus illustrated by a German author, who has given to the subject a degree of elaborate and extended exposition which it has received from no writer in our own tongue. "Congress has under the Constitution the right to lay taxes and imposts, as well as to regulate foreign trade, but the President and Senate, if the "treaty-making power" be regarded as absolute, would be able to evade this limitation by adopting treaties which would compel Congress to destroy its whole tariff system. According to the Constitution, Congress has the right to determine questions of naturalization, of patents, and of copyright. Yet, according to the view here contested, the President and the Senate, by a treaty, could on these important questions utterly destroy the legislative capacity of the House of Representatives . . . Congress would cease to be the law-making power as is prescribed by the Constitution; the law-making power would be the President and the Senate. Such a condition would become the more dangerous from the fact that treaties so adopted, being on this particular hypothesis superior to legislation, would continue in force until superseded by other treaties. Not only, therefore, would a Congress consisting of two houses be made to give way to an oligarchy of President and Senate, but the decrees of this oligarchy, when once made, could only be changed by concurrence of President and of Senatorial majority of two-thirds."—Cited in Wharton, Francis, "A digest of the international law of the United States," Washington, 1886. v. 2, p. 26-27.

2—18652

JX4171.T5M4

374 Michon, Louis. Les traités internationaux devant les chambres.

Paris, A. Chevalier-Marescq & cie, 1901. 3 p. l., 520 p. 23cm.

The treaty-making power in the United States: p. 14-15,
446-465.

3-8752

JN2809.M6

375 Mikell, William E. The extent of the treaty-making power of the President and senate of the United States.

University of Pennsylvania law review and American law register, Apr. May, 1909, v. 57: 435-458; 528-562.

376 Miller, Shackelford. Treaty-making power.

American law review, July-Aug., 1907, v. 41: 527-549.

377 **Miyakawa**, Masaji. Powers of the American people, Congress, President, and courts (according to the evolution of constitutional construction). 2d ed., completely rev. throughout with extensive additions.

*New York, The Baker & Taylor co., 1908. xiv p., 1 l., 431 p.
23 $\frac{1}{2}$ cm.*

Treaty: p. 239-266.

8-24433

JK246.M64

378 **Moody**, William H. Constitutional powers of the Senate: a reply.

North American review, Mar. 1902, v. 174: 386-394.

A rejoinder to the article by A. Maurice Low, in the North American review for Feb. 1902.

Treaty-making power, p. 388-389.

AP2.N7,v.174

379 **Moore**, John Bassett. History and digest of the international arbitrations to which the United States has been a party, together with appendices containing the treaties relating to such arbitrations, and historical and legal notes.

*Washington, Gov't print. off., 1898. 6 v. fold. maps, facsim.
23cm.*

"List of authorities": v. 1, p. lxxxiii-xcviii.

4-3795

JX1987.A2

380 ——— Report on extradition, with returns of all cases from August 9, 1842, to January 1, 1890, and an index.

Washington, Gov't print. off., 1890. 239 p. 29cm.

JX4302.1890.M72

381 ——— Treaties and executive agreements.

Political science quarterly, Sept. 1905, v. 20: 385-420.

1. Question as to general arbitration treaties.
2. The terms "treaty," "convention," "protocol."
3. Examples of purely executive agreements.
4. Arguments under acts of Congress:

 - (1) Postal "treaties;"
 - (2) Reciprocity agreements;
 - (3) Discriminating duties, copyrights, and trade marks;
 - (4) Indian treaties.

5. The modus vivendi.
6. The settlement of preliminary claims:

 - (1) By treaty;
 - (2) By executive agreement;
 - (3) Arbitrations under executive agreements.

7. Executive enforcement of statutes and treaties.

HI.P8,v.20

JK573.1905.M6

382 **Morey**, William Carey. The treaty-making power and the legislative authority of the states.

*Rochester, N. Y., The Genesee press [etc. 1909] 10 p.
23cm. (Post express specials, series B—no. 1)*

9-18869

JK573.1909.M6

383 **Morgan, John T.** Relations with Great Britain and Canada.

(In Congressional record, 50th Cong., 1st sess., v. 19, pt. 9, Sept. 18, 1888, p. 8672-8674; Sept. 25, 1888, p. 8913-8920.)

Senate held to have become aggressive "in its endeavor to control by resolutions and through the action of committees the whole diplomatic relations between the United States and foreign powers."

J11.R5,v.19.pt.9

384 **Morrill, Justin S.** Reciprocity treaties.

(In Appleton's annual cyclopaedia and register of important events of the year 1885, p. 238-241. New York, 1886. 25 $\frac{1}{2}$ ^{cm.})

Substance of his speech delivered in the United States Senate, Jan. 7, 1885.

AE5.A7 1885

385 ——— Reciprocity treaty with Canada. Speech in the Senate of the United States, February 3, 1875.

Washington: Government printing office, 1875. 22 p. 8°.

"Constitutional objections," p. 8-12.

386 ——— Reciprocity treaties, so-called. Speech in the Senate, Jan. 7, 1885.

(In Congressional record, 48th Cong. 2d sess., v. 16, pt. 1, p. 506-513.)

Denies the constitutionality of treaties of reciprocity, and in support of position taken, adduces arguments from the adverse reports of Choate and Archer on the Zollverein treaty of 1844.

J11.R5,v.16.pt.1

387 **Morris, Heman W.** The powers of Congress over treaties.

(In New York state bar association. Proceedings, 1903. Albany, 1903. 24^{cm.} v. 26; p. 95-115.)

——— *Same. American law review, May-June, 1903, v. 37:363-379.*

The treaty-making power is considered both on the historical and the legal side and the opinion is stated, in conclusion, "that a treaty will never be made by this government or at any rate carried into effect, so as to subvert an act of Congress, until it shall have received, in some manner, the sanction of that body; that the courts will never be called on to determine the force and effect of such a treaty upon existing laws, and that the danger of a clash between the treaty-making power and the legislative branch of the general government, while always present in theory, is to all intents and purposes nonexistent."

- 388 **Nelson**, Henry Loomis. Chamberlain's tripartite understanding.

Harper's weekly, Dec. 30, 1899, v. 43: 1315-1316.

In discussing "whatever understanding there may be between this country and Germany and Great Britain," the author holds that the tendency of American diplomacy will be "to avoid treaties more and more, and to work through what Mr. Chamberlain has called an understanding." The Senate is made responsible for difficulties of treaty-making.

AP2.H32,v.43

- 389 —— A mistake of the fathers.

Harper's weekly, June 22, 1901, v. 45: 623.

Holds that "the Senate's power of ratification must be set down as one of the mistakes of the fathers."

AP2.H32,v.45

- 390 —— The weakness of the executive power in democracy.

Harper's new monthly magazine, Jan. 1899, v. 98: 210-218.

AP2.H3,v.98

"American diplomacy," Mr. Nelson states, "has often seen its triumphs ruined by the intervention of Congress."

- 391 The obligation of treaty stipulations. The Chinese empire and the United States.

Washington law reporter, Feb. 17, 1879, v. 7: 52-53.

- 392 [Ogden, Rollo.] The graveyard of good treaties.

Nation, Mar. 15, 1900, v. 70: 199-200.

AP2.N2,v.70

On the "obscurantist and obstructionist attitude of the Senate."

- 393 [——] The paralysis of the treaty-making power.

Nation, Dec. 20, 1900, v. 71: 481-482.

AP2.N2,v.71

Senate regarded as "the great assassin of treaties."

- 394 **Paine**, Robert Treat. What ought to be done with the arbitration treaties?

(In Lake Mohonk conference on international arbitration, 11th report, 1905, p. 79-81. Lake Mohonk, 1905. 22 $\frac{1}{2}$ cm.)

JX1932.L3 1905

- 395 **Patterson**, Christopher Stuart. The constitutionality of the reciprocity clause of the McKinley tariff act.

American law register and review, Feb., 1892, v. 31 [2d ser., vol. 5], p. 65-75.

Cites numerous cases.

- 396 **Pierce**, Franklin. Federal usurpation.
New York, D. Appleton and company, 1908. xx, 437 p.
^{21cm.}
 "This book is a plea for the sacredness of the Constitution
 of the United States."
 "Treaty power and state rights," p. 241-265.
 8-4348 JK311.P5
- 397 Powers of the states—treaty-making power.
Yale law journal, Jan., 1918, v. 27: 406-407.
 McHenry County v. Brady (N. D.)
- 398 **Putney**, Albert H. The police power of the states as restricted
 by the federal constitution.
Case and comment, Oct., 1913, v. 20: 310-315.
- 399 **Randolph**, Carman Fitz. The law and policy of annexation,
 with special reference to the Philippines, together with
 observations on the status of Cuba.
New York, Longmans, Green, & co., 1901. xi, 226 p. ^{24cm.}
 Treaties of annexation, p. 4-7, 59, 148; The making of a
 treaty, p. 13, 147; Construction of treaties, p. 16-20; Treaties
 subordinate to the Constitution, p. 17; Ratification of the
 Treaty of Paris, p. 22.
 1-30526 JX4088.R3
- 400 A review of the question, In whom has the constitution vested
 the treaty power? With incidental illustrations; and a
 short discussion of the right of the House to call on the
 president, in a late instance, for certain papers. By a
 senator of the United States.
*Philadelphia: Printed by Samuel Harrison Smith, no. 118,
 Chestnutstreet, 1796. 35 p.* ^{21cm.}
 5-17059 JK573.1796.R5
- 401 **Robinson**, Chalfant. A history of two reciprocity treaties: the
 treaty with Canada in 1854, the treaty with the Hawaiian
 Islands in 1876, with a chapter on the treaty-making
 power of the House of representatives.
*[New Haven, Conn., The Tuttle, Morehouse & Taylor press,
 1904] 220 p. fold. map, fold. tab., diagrs. (1 fold.)*
^{23cm.}
 Bibliographies: p. 78-82, 157-160, 176.
 5-41966 HF1732.A1R5
- 402 ——— The treaty-making power of the House of Representatives.
Yale review, Aug. 1903, v. 12: 191-203. H1.Y2,v.12
 Bibliography p. 203.

403 **Rogers**, Henry Wade. The treaty-making power.

American bar association. Report of the sixteenth annual meeting . . . 1893, p. 243-269. Philadelphia, 1893. 8°.

Am. Ins. Co. v. Canter, 1 Peters, 511, 542. Limitations of Congress in enacting laws, *Marbury v. Madison*, 1 Cranch 187. Case of a treaty contrary to the laws of the British Constitution. The Parlement Belge, L. R., 4 P. D., 154. Power to declare treaties void, *Ware v. Hylton*, 3 Dallas, 199, 237.

Cases cited: A treaty which should invade in any way the reserved rights of the States would be unconstitutional, *Prevost v. Guneau*, 19 How. 7. The government of the Union "possesses the power of acquiring territory either by conquest or treaty," Marshall, C. J.

404 **Rüttimann**, Johann Jakob. Das nordamerikanische Bundesstaatsrecht verglichen mit den politischen Einrichtungen der Schweiz.

Zürich, *Orell Füssli und comp.*, 1867-1872. 2 v. in 1. 22½cm.

"Die Vertretung der Union gegenüber dem Auslande," Th. 1, p. 291-303. "Die Ordnung der äussern Angelegenheiten," Th. 2. Abth. 1, p. 1-29. "Die Ordnung des Handels mit dem Auslande," Th. 2, Abth. 1, p. 13-24.

CA 10-3714

JK295.RS

405 **Schuyler**, Eugene. American diplomacy and the furtherance of commerce.

New York: Charles Scribner's sons, 1886. xiv, 469 p. 8°.

Treaty power in the Senate and House, p. 22.

Commercial treaties, p. 421-457.

JX1407.S3

406 The Senate and the treaties.

Nation, May 30, 1872, v. 14: 348-349.

AP2.N2,v.14

On "complications between the Senate and the Executive" which "affect foreign nations and bring discredit on us in our international relations." The "Reverdy-Johnson treaty," the "Danish-Island treaty," and the "Washington treaty" used as "three striking illustrations of the inconveniences of our mode of dealing with foreign affairs."

407 The Senate as treaty-maker.

Nation, Jan. 30, 1902, v. 74: 84-85.

AP2.N2,v.74

A criticism of Senator Lodge's article in Scribner's magazine for Jan., 1902, on "The treaty-making powers of the Senate."

408 Spear, Samuel T. The conflict of treaties and laws.

Albany law journal, Sept. 18, 1880, v. 22: 226-229.

Authorities quoted: Writings of Madison, vol. 1, page 524. Works of Hamilton, vol. 7, page 512. Rawle on the Constitution, page 56. Attorney-Gen. Crittenden, 5 Op. Att.-Gen., 345. Attorney-Gen. Cushing, 6 Op. Att.-Gen., 293. Attorney-Gen. Ackerman, 13 Op. Att.-Gen., 357. Chancellor Kent "overstates the matter" in Com. (3d ed.), vol. 1, page 166.

Cases cited: *The United States v. The Schooner Peggy*, 1 Cranch, 103; *Foster v. Neilson*, 2 Pet., 253; *The Clinton Bridge*, 1 Wool., 150; *Ropes et al. v. Clinch*, 8 Blatchf., 304; *Taylor et al. v. Morton*, 2 Curtis 454; *The Cherokee Tobacco case*, 11 Wall, 616.

409 —— Congress and the treaty power.

Albany law journal, Aug. 14, 1880, v. 22: 126-129.

Chancellor Kent on a treaty requiring the payment of money: Kent's Com. (3d ed.) vol. 1, pp. 165, 166; On the obligatory nature of a treaty with respect to the House of Representatives: *id.* page 286. ("On the President.")

Chancellor Kent holds (1) That every treaty made by the President of the United States with the consent and approval of the Senate, is, *ipso facto*, a supreme law of the land; (2) That if any legislative action on the part of Congress is necessary, it is the duty of Congress to supply this legislation. In regard to the matter involved in both of these propositions, see McLean, Mr. J., in *Turner v. American Baptist Missionary Union*, 5 McLean, 344. View opposite to that held by Chancellor Kent.

Compare also the following: Marshall, C. J., in *Foster v. Neilson*, 2 Pet., 253, referred to and reaffirmed in the *United States v. Arredondo* 6 Pet., 691, and again reaffirmed in the *United States v. Perechman*, 7 Pet., 51. Oppose the view of Chancellor Kent. See also, *The Matter of Metzger*, 1 Barb., 248, in which Judge Edmonds repeats the opinion stated by Chief Justice Marshall. Judge Edmonds's decision rendered in 1847, was followed by an act of Congress in 1848, "Giving effect to certain treaty stipulations between this and foreign governments for the apprehension and delivering up of certain offenders," 9 U. S. Stat. at Large, 302. Qualification to the treaty making power given in Lawrence's Wheaton, page 457.

1816. Debate in the Senate on the treaty making power. Senator Macon of North Carolina, in Benton's Abridgement, vol. 5, page 456. Senator Campbell, of Tennessee, *id.* page 458. *Ulpian*: "He who contracts with another knows or ought to know his condition."

Treaty making power can not subvert the Constitution:— Story's Const. §1508.

Power to annul and abolish a treaty belongs to Congress. Congress, in 1798, abolished all existing treaties between the United States and France. 1 U. S. Stat. at Large, 578. Legal omnipotence of treaties, as Blackstone held the doctrine, is not compatible with the distribution of powers made by the Constitution of the United States, and does not accord with the modern practice of Great Britain in making treaties.

See Todd's Treatise upon Parliamentary Government in England, vol. 1, page 610, on the power of Parliament in the matter of treaty making. Refers to any proposition that may be made to change existing tariffs, etc.

410 Spear, Samuel T. The legal operation of treaties.

Albany law journal, Sept. 11, 1880, v. 22: 206-210.

Treaties of the United States are part of "the supreme law of the land."

- (1) Treaties are equal in rank to the laws of Congress. Courts must take notice of them: Story, J., in *Martin v. Hunter's Lessee*, 1 Wheat., 304. Rank of treaties: Marshall, C. J., *The United States v. The Schooner Peggy*, 1 Cranch, 103; Marshall, C. J., *Foster v. Neilson*, 2 Pet., 253.
- (2) This judicial notice extends to treaties which preceded the adoption of the Constitution as well as those made since its adoption, and also to treaties with the Indian tribes, as well as to those with foreign nations: Chase, Mr. J., in *Ware v. Hylton*, 3 Dall., 199; Marshall, C. J., *Worcester v. The State of Georgia*, 6 Pet., 515; McLean, Mr. J., *Turner v. The American Baptist Missionary Union*, 5 McLean, 344.
- (3) "Cases in law and equity" arising under treaties of the United States are such, and such only, as involve rights that directly grow out of or are directly protected by these treaties: Marshall, C. J., in *Owings v. Norwood's Lessee*, 5 Cranch, 344; Henderson v. Tennessee, 10 How. 311; Gill v. Oliver's Executors, 11 *id.* 529; and *Verden v. Coleman*, 1 Black, 472.
- (4) The construction of treaties, considered as laws affecting rights as between individuals is exclusively a judicial function: Grier, Mr. J., in *Wilson v. Wall*, 6 Wall., 83; Story, Mr. J., *The Amiable Isabella*, 6 Wheat., 1; Daniel, Mr. J., *United States v. D'Auterive*, 10 How. 609; Story, Mr. J., *The United States v. The Armistad*, 15 Pet., 518.
- (5) Rights of property acquired and vested under treaties are not divested by their termination even by war: Washington, Mr. J., in *The Society v. New Haven*, 8 Wheat., 464; Meade v. The United States, 2 Ct. of Cl. 224.
- (6) Treaties, regarded simply as contracts between the governments making them, take effect at and from the date of their signature, unless they otherwise stipulate; but considered as laws affecting the rights of citizens of the United States, they do not take effect until ratified and proclaimed: Davis v. The Police Jury of Concordia, 9 How. 280; The

- United States *v.* Arredondo, 6 Pet., 691; Haver *v.* Yaker, 9 Wall., 32.
- (7) The competency of the contracting parties to make a treaty is not a question into which courts can inquire as a condition precedent to regarding it as a law: Taney, C. J., in Doe *v.* Braden, 16 How., 635; Fellows *v.* Blacksmith, 19 How., 366.
- (8) Treaties that require no legislation on the part of Congress to carry them into effect have the character of supreme laws when ratified and proclaimed; but if they require such legislation for their execution, then they are not a rule for courts until the necessary legislation has been supplied: Marshall, C. J., in Foster *v.* Neilson, 2 Pet., 253; McLean, Mr. J., in Turner *v.* The American Baptist Missionary Union, 5 McLean, 344.
- (9) Treaties of the United States abrogate all provisions in State Constitutions or laws in conflict therewith: Ware *v.* Hylton, 3 Dall., 199. See 8 U. S. Stat. at Large, 80; Owings *v.* Norwood's Lessee, 5 Cranch, 344; Fairfax's *v.* Devisee *v.* Hunter's Lessee, 7 *id.* 603; Gordon's Lessee *v.* Halliday, 1 Wash., 291; and Fisher *v.* Harden, 1 Paine, 55. Duty of state judges to regard the treaties of the United States as supreme laws and the same duty is devolved on the National judiciary.
- (10) The constitutional validity of treaties, considered as municipal laws, is a question which courts, with proper cases before them, are authorized to consider and determine: Marbury *v.* Madison, 1 Cranch, 137 (The Constitution itself is in *all* cases the paramount authority, and no law in conflict with the Constitution can bind any court, whether State or National.) Doe *v.* Braden, 16 How., 635; The Cherokee Tobacco Case, 11 Wall., 616. In this connection, see also Sec. 709 of the Revised Statutes of the United States.

411 Spear, Samuel T. The treaty power.

Albany law journal, Aug. 7, 1880, vol. 22: 107-109.

Power to make treaties, Art. 2, sec. 2 of the Constitution, interpreted: By Taney, C. J., Holmes *v.* Jennison, 14 Pet., 540; by Story, J., Story's Const., §1508. Treaties must be consistent with the several provisions of the Constitution: Story's Const., §1508; Miller, J., *The Loan Association v. Topeka*, 20 Wall., 655; *People v. Gerke*, 5 Cal., 381; *Pierce v. State*, 15 N. H., 336. Some treaties are self-operative. They act directly, *proprio vigore*: Marshall, C. J., *Foster v. Neilson*, 2 Pet., 253; Iredell, J., *Ware v. Hylton*, 3 Dall., 199. Some treaties are not self-operative. They require legislative action in order to carry them into effect. Hence they are contracts *in futuro*. A stipulation for the payment of money to a foreign nation presents a case of this kind. See Constitution, Art. 1, sec. 9, in this connection.

Two theories as to the obligation to make appropriations:

- (1) Treaty being the supreme law of the land, Congress

has no discretion in the matter; (2) Treaty not complete, when appropriation is involved, until Congress has rendered it so by appropriation. Debates on conflicting theories:

- (1) *Jay treaty, 1796.* Debate continued daily 7th of March to the 7th of April. See the resolution, Benton's Abridgement, vol. 1, page 696.
- (2) *Commercial treaty between the United States and Great Britain. Ratified, Dec. 22, 1815:* 8 U. S. Stat. at Large, 22S. Debates in the House of Representatives, in 1816. See Benton's Abridgement, vol. 5, pp. 446-546. Also, 3 U. S. Stat. at Large, 255. Same ground covered as in the debate of 1796.
- (3) *1844.* President Tyler. Treaty negotiated with Prussia and the other states of the Germanic Association of Customs and Commerce. Rejected by the Senate. Adverse report of the Senate Committee on Foreign Relations through Senator Choate. Control of trade belongs to Congress.
- (4) *1875.* President Grant. Commercial treaty negotiated with Hawaii. 19th U. S. Stat. at Large, 625. Congress, Aug. 15, 1876, passed an act to give effect to the convention. 19th U. S. Stat. at Large, 200. Discussion in the House on the relation of Congress to the treaty power. In 1876, by virtue of the fifth article of the treaty, there was really no necessity for the discussion of the constitutional question. This article provided that the treaty should not take effect until a law to carry it into operation had been passed by the Congress of the United States.

412 **Stidham, Mrs. Clara Hannah (Kerr).** The origin and development of the United States Senate.

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"List of works cited": p. 181-184.

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413 Story, Joseph. Life and letters of Joseph Story. Edited by his son, William W. Story.

Boston: Charles C. Little and James Brown, 1851. 2 v. front. (port.). 8°.

Power of ceding territory by treaty, v. 2, p. 286-289.

414 Taylor, Hannis. The growth of Hague ideals.

American law review, Jan.-Feb., 1906, v. 40: 1-8.

Discusses the treaty-making power as regards arbitration.

Argues the right of the President, by and with the advice and consent of the Senate, to make such a treaty.

415 Teller, Henry M. Power of Congress over treaties.

(In Congressional record, 60th Cong. 1st sess., v. 42, pt. 7: 6461-6463.)

A brief with regard to the power of Congress to abrogate treaties by an act inconsistent with the treaty. "That Congress can repeal a treaty with a foreign power by an act can not be questioned, considering the many decisions of cases to that effect."

J11.R5,v.42,pt.7

416 Thompson, B. M. The power of the Senate to amend a treaty.

Michigan law review, Apr., 1905, v. 3: 427-441.

"The Constitution gives the President power to make treaties by and with the advice and consent of the Senate. The President has the right to have the very treaty made by him approved or rejected. When the Senate amends no action is taken upon the treaty in the form submitted and the Constitution is thereby violated in spirit if not in the letter. In assuming to amend a treaty, the Senate exercises a power not delegated to the Senate and expressly conferred upon the President."

417 Treaties by government with Indians within State boundaries.

Albany law journal, Dec. 9, 1876, v. 14: 393-394.

418 Treaties in the House.

Nation, Dec. 18, 1884, v. 39: 516-517.

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AP2.N2,v.39

419 Treaty-making power.

American economist, Feb. 14, 1902, v. 29: 75.

HC101.A5,v.29

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Spectator, Dec. 29, 1900, v. 85: 959-960.

AP4.S7,v.85

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421 Treaty tariffs.

Protectionist, Apr., 1902, v. 13: 673-682. HF1750.P8,v.13

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422 Tucker, Henry St. George. Limitations on the treaty-making power under the Constitution of the United States.

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Reviewed in American political science review, Aug. 1915, v. 9: 595-598.

JA1.A6,v.9

423 —— The treaty-making power under the Constitution. Article on the treaty-making power under the Constitution of the United States.

Washington, Govt. print. off., 1914. 11 p. 23 $\frac{1}{2}$ ^{cm.}. (U. S. 63d Cong., 2d sess. Doc. 539)

14-30592

JK573.1914.T7

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AP2.N7,v.199

424 —— The treaty making power under the constitution of the Confederate states of America.

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425 U. S. Bureau of statistics (Treasury dept.) Reciprocity treaties and agreements between the United States and foreign countries since 1850. (From the Summary of commerce and finance for Sept. 1901).

[*Washington, Govt. print. off., 1901.*] iii, 939-968 p.

426 —— Reciprocity treaties and agreements between the United States and foreign countries since 1850.

(In U. S. Bureau of statistics (Treasury dept.) Monthly summary of commerce and finance of the United States, Aug., 1904, p. 525-558.) HF105.A5

427 —— Congress. House. Bills for raising revenue. Report [from] the committee of conference on the part of the House, charged with the duty of conferring with the conference committee appointed by the Senate to consider the question of privilege raised by the resolution of the House adopted January 27, 1871, in reference to Senate bill (S. 1083) "to repeal so much of the act approved July 14, 1870, entitled 'An act to reduce internal taxes, and for other purposes,' as continues the income tax after

the 31st day of December, Anno Domini 1869." Feb. 27,
1871.

[*Washington, 1871.*] 13 p. 23^{cm.} (41st Cong., 3d sess.
House. Report 42.) Serial no. 1464

"The Senate conferees submitted a number of citations of laws originating in the Senate, which they claimed as precedents favoring the action of the Senate on the bill, which is the subject of the present difference.

"The committee have carefully examined these precedents, and do not see in them any argument to sustain the Senate views. They seem to be, generally, bills intended to carry out, in good faith, treaty stipulations and commercial regulations arising under treaties with foreign countries. It is true that two of the acts cited reduced existing rates of duty, which reduction was acquiesced in by the House without raising the question of power. But it seems to your committee that one or two instances of waiver cannot be considered as a surrender, on the part of the House, of a great constitutional privilege," p. 10.

"It seems clear to your committee, therefore, that the only way to preserve, in its fullness, the power to originate bills for raising revenue, is to insist upon the right of the House to originate all bills relating directly to the revenue, whether imposing or remitting taxes; that the House should, in the first instance, be the judge of the manner, the measure, and the time of such impositions or remissions." p. 12.

428 U. S. Congress. House. Committee on foreign affairs. The treaty-making power. Report (H. Res. 132) relating to the treaty-making power. Feb. 14, 1881.

[*Washington, 1881.*] 4 p. 23^{cm.} (40th Cong., 3d sess., House.
Rept. 225.) Serial no. 1982

"This resolution affirms that the treaty-making power of the United States 'does not extend to treaties which affect the revenue, or require the appropriation of money to execute them; but that in such cases the consent of the law-making power of the Government is required, which includes, as one of its branches, the House of Representatives . . . The resolution under consideration—House joint resolution 132—affirms a proposition which, under existing constitutional provisions, can not be sustained. Your committee therefore recommend that the same be not adopted."

Minority report accompanying.

429 ————— Reciprocity treaty between United States and British provinces. Report [from] the committee on foreign affairs, to whom was referred the joint resolution for the appointment of commissioners to ascertain and re-

port a basis for a reciprocity treaty between the United States and the British provinces. April 23, 1880.

[*Washington, 1880.*] 5 p. 23^{cm}. (*46th Cong., 2d sess., House Report 1127.*)

Serial no. 1937

"It is unnecessary to discuss here the question of whether a commercial treaty can be made, as such, not only because this is simply a resolution of information, but because no one has ever disputed that a treaty affecting the tariff could be made by the President and Senate, if the House of Representatives consented thereto. Furthermore, all discussions of treaty powers of the different branches of the government and all questions of treaties may be avoided because if any reciprocal trade can be established with Canada it could be established either by a treaty with the consent of the House or by mutual law in the nature of a tariff law fixing the terms of interchange of commodities between the two countries."

430 ————— Reciprocity treaty between the United States and the British provinces. Views of the minority. June 7, 1880.

[*Washington, 1880.*] 20 p. 23^{cm}. (*46th Cong., 2d sess., House Report 1127, pt. 2.*)

"This House ought, therefore, to insist that any scheme of commercial intercourse with other nations involving customs dues should be initiated, or at all events thoroughly discussed and agreed to, by itself. They should be fixed, not by treaty, but by bill."

431 ————— North German Confederation treaty. Report as to giving notice to the North German Confederation to terminate the treaty of February 22, 1868 (commonly known as the naturalization treaty), Feb. 17, 1885.

[*Washington, 1885.*] 7 p. 23^{cm}. (*48th Cong., 2d sess., House Report 2590.*)

Serial no. 2328

432 ————— Committee on the judiciary. Power of the President to negotiate treaties with foreign governments. Report [by J. R. Tucker] Mar. 3, 1885.

[*Washington, 1885.*] 20 p. 23^{cm}. (*48th Cong., 2d sess., House. Rept. 2680.*)

Ser. no. 2330

On Jan. 15, 1884, the House agreed to a resolution directing the Judiciary committee "to report to the House whether the President, by and with the advice and consent of the Senate, can negotiate treaties with foreign governments by which the duties levied by Congress on importations can be changed or abrogated.

At this time the reciprocity treaty with Mexico, concluded Jan. 20, 1883, was pending, and when the Judiciary com-

mittee reported Mar. 3, 1885, a treaty with Spain for reciprocity with Cuba and Porto Rico had been concluded Nov. 18, 1884, and a reciprocity treaty with the Dominican Republic, Dec. 4, 1884, while a treaty had been concluded with the Hawaiian Islands, Dec. 6, 1884, extending the reciprocity treaty of 1875 for a further term of seven years.

The report of the Committee reads in conclusion: "Your committee have thus considered the question on the true interpretation of the language of the Constitution; upon the construction of the Government itself; on the historic development of the Constitution from its British original through the Articles of Confederation to its present form; on analogy to the British prototype; on precedents and the authority; and have come to the conclusion expressed in the following resolution, which, though the discussion has taken a wider range, is confined to the question submitted by the resolution referred to the committee: '*Resolved*, That the President, by and with the advice and consent of the Senate, can not negotiate treaties with foreign Governments by which the duties levied by Congress can be changed or abrogated, and such treaties to be operative as law must have the sanction of an act of Congress.'"

433 U. S. Congress. House. Committee on ways and means. Report concerning reciprocity and commercial treaties.

Washington, Gov't. print. off., 1896. 643 p. 23 $\frac{1}{2}$ cm. (54th Cong., 1st sess. House. Rept. 2263) Serial no. 3466

Constitutionality of reciprocity legislation, p. 17-19. Abstract of the decision of the Supreme Court on the constitutionality of the reciprocity section of the tariff act of 1890, p. 18-19.

8-28587

HF1731.A5 1896

434 —— Congress. Senate. Precedents relating to the privileges of the Senate of the United States. Comp. by George P. Furber, clerk to the Committee on privileges and elections.

Washington, Gov't. print. off., 1893. 350 p. 23 $\frac{1}{2}$ cm. (52d Cong., 2d sess. Senate. Mis. doc. 68)

Secret sessions for the consideration of treaties and confidential communications: p. 6-10; Right to demand papers in the executive files: p. 232-272.

7-4615

JK1170.A4

435 —— Committee on foreign relations. Compilation of reports of Committee. 1789-1901, First Congress, first session, to Fifty-sixth Congress, second session.

Washington, Govt. print. off., 1909. 8 v. pl., maps, plans, diagr. 23cm. (56th Cong., 2d sess. Senate. Doc. no. 231, pts 1-8)

Treaties in all volumes; Reciprocity treaties in v. 5 and 8.

2-10168

JX234.A2

436 U. S.—*Congress. Senate. Committee on foreign relations. Jurisdiction of the Senate to act upon reciprocity treaties. Report from the committee on foreign relations. Dec. 15, 1902.*

[*Washington, 1902.*] 3 p. 23cm. (57th Cong., 2d sess. Senate Doc. 47.) Serial no. 4420

A subcommittee of the committee on foreign relations made the recommendation, which was adopted by the full committee, that without reference to the merits thereof, each of the reciprocity treaties under consideration be amended by the insertion of the following additional provision, "This treaty shall not take effect until the same shall have been approved by the Congress."

437 —— *38th Cong., 2d sess. The Congressional Globe.*

Washington: Congressional Globe office, 1865. 2pts. 4°.

During the second session of the thirty-eighth congress a joint resolution was passed authorizing the President to terminate the Canadian reciprocity treaty and to appoint commissioners to negotiate a new treaty. During the discussion of the subject in the Senate, Mr. Collamer (p. 209–210) held that the Canadian treaty was in conflict with the revenue-raising clause of the Constitution, and Mr. Howe (p. 211–212) took issue with this view.

438 —— *46th Cong., 2d sess. Congressional record, vol. 10, [Pt. 1.]*

Washington: Government printing office, 1880. 4°.

The House Jan. 26, 1880, adopted the following resolution introduced by Mr. Kelley: "*Resolved*, That it is the sense of this House that the negotiation by the executive department of the Government of a commercial treaty whereby the rates of duty to be imposed on foreign commodities entering the United States for consumption should be fixed would, in view of the provision of section 7 of article 1 of the Constitution of the United States, be an infraction of the Constitution and an invasion of one of the highest prerogatives of the House of Representatives," p. 394–395, 532.

JK11.R5,v.10, pt.1

439 —— *60th Cong., 1st sess., 1907–1908. Senate. Power of Congress over treaties ... Extracts from briefs.*

[*Washington, Gov't print. off., 1908.*] 7 p. 23cm. (60th Cong., 1st sess. Senate, Doc. 487.) Serial no. 5266

8-35476

JK1081.A5 1908

440 U. S. *Dept. of state.* Digest of the published opinions of the attorneys-general, and of the leading decisions of the federal courts, with reference to international law, treaties, and kindred subjects. Rev. ed.

Washington, Govt. print. off., 1877. vii, 290 p. 23^{cm.}
(44th Cong., 2d sess. Senate. Ex. doc. 46)

Pref. signed: John L. Cadwalader, Department of state.

Treaties: p. 227-234; Treaties with particular states: p. 235-264.

9-7613

JX237.A48 1877

441 ——— The diplomatic correspondence of the American revolution; being the letters of Benjamin Franklin, Silas Deane, John Adams, John Jay, Arthur Lee, William Lee, Ralph Izard, Francis Dana, William Carmichael, Henry Laurens, John Laurens, M. de Lafayette, M. Dumas, and others, concerning the foreign relations of the United States during the whole revolution; together with the letters in reply from the secret committee of Congress, and the secretary of foreign affairs. Also, the entire correspondence of the French ministers, Gerard and Luzerne, with Congress. Pub. under the direction of the President of the United States, from the original manuscripts in the Department of state, conformably to a resolution of Congress, of March 27th, 1818. Ed. by Jared Sparks.

Boston, N. Hale and Gray & Bowen; New York, G. & C. & H. Carvill; [etc., etc.] 1829-30. 12 v. 21 $\frac{1}{2}$ ^{cm.}

5-13517

E249.U581

442 ——— The diplomatic correspondence of the American revolution. Ed. by Jared Sparks. New ed.

Washington, J. C. Rives, 1857. 6 v. 23 $\frac{1}{2}$ ^{cm.}

The same correspondence, with Sparks' omissions supplied, was published under direction of Congress by Francis Wharton as "The revolutionary diplomatic correspondence of the United States," Washington, 1889.

11-11013

E249.U582

443 ——— The revolutionary diplomatic correspondence of the United States. Ed. under direction of Congress by Francis Wharton, with preliminary index, and notes historical and legal. Pub. in conformity with act of Congress of August 13, 1888.

Washington, Govt. print. off., 1889. 6 v. 24^{cm.} (50th Cong., 1st sess. House. Mis. doc. 603)

Published as a supplement to Wharton's Digest of the international law of the United States, taken from documents

issued by presidents and secretaries of state [etc.] Washington, 1886.

Correspondence from the records of the Department of state, from family archives and from published memoirs. Designed to correct, complete and enlarge the Diplomatic correspondence of the American revolution, Boston, 1829-1830, published by Jared Sparks under direction of Congress.

"A brief sketch of the life of Francis Wharton. By John Bassett Moore" : v. 1, p. xi-xxvii.

See Index under Treaties; Treaty of Commerce; Treaty of peace, v. 6, p. 992.

5-17851

E249.U583

444 U. S. Dept. of state. Foreign trade and treaty regulations. Letter from the acting secretary of the Treasury, transmitting a copy of a communication from the secretary of state, submitting an estimate of appropriation for expenses in connection with foreign trade and treaty regulations.

[*Washington, Govt. print. off., 1909?*] 4 p. 23^{cm}. (61st Cong., 2d sess. House. Doc. 258.)

10-35240

HF3029.A5 1909a

445 —— Laws, statutes, etc. Indian affairs. Laws and treaties. Comp. and ed. by Charles J. Kappler.

Washington, Govt. print. off., 1903-13. 3 v. 29¹/₂^{cm}.

Vol. I-II: 57th Cong., 1st sess. Senate. Doc. 452; vol. III: 62d Cong., 2d sess. Senate. Doc. 719.

CONTENTS.—I. Statutes, executive orders, proclamations, and statistics of tribes. Comp. to December 1, 1902.—II.

Treaties.—III. Laws. Comp. to December 1, 1913.

3-13067

E93.U6995

446 —— Tariff commission. Reciprocity and commercial treaties.

Washington, Govt. print. off., 1919. 535 p. incl. tables. diagrs. (1 fold.) 25^{cm}.

"The commission has had the services, among others, of Stanley K. Hornbeck, Jacob Viner, Clive Day, and Walter B. Palmer, in the preparation of this report."—"Foreword," p. 5.

19-26329

HF1731.A5 1919a

447 —— Summary of the report on reciprocity and commercial treaties with conclusions and recommendations of the commission.

Washington, Govt. print. off., 1919. 46 p. 23^{cm}.

19-26285

HF1731.A5 1919

- 448 U. S. *Treaties, etc.* A compilation of all the treaties between the United States and the Indian tribes, now in force as laws. Prepared under the provisions of the act of Congress, approved March 3, 1873.
Washington, Govt. print. off., 1873. 1075 p. 28^{cm}.
Treaties arranged alphabetically by tribes.
9-3113 E95.U545

449 ——— Compilation of treaties in force. Prepared under act of July 7, 1898.
Washington, Govt. print. off., 1899. xviii, 779 p. 23^{cm}.
Comp. by Henry L. Bryan, and pub. under the direction of the Committee on foreign relations, United States Senate.
Issued also as House doc. 276, 55th Cong., 3d sess.
1-9605 JX236 1899

450 ——— Compilation of treaties in force. Prepared under resolution of the Senate, of February 11, 1904.
Washington, Govt. print. off., 1904. 996 p. 23^{1/2}cm. (58th Cong., 2d sess. Senate. Doc. no. 318.)
Revised ed. Prepared under the direction of the Committee on foreign relations, United States Senate, by William M. Malloy.
5-19323 JX236 1904

451 ——— List of arbitration treaties and conventions submitted to and acted upon by the United States Senate.
Washington [Govt. print. off.] 1912. 7 p. 23^{1/2}cm. (62d Cong., 2d sess. Senate. Doc. 373)
12-35341 JX1987.A4 1912

452 ——— Treaties and conventions concluded between the United States of America and other powers, since July 4, 1776. With notes showing what treaties or parts of treaties have been abrogated, and decisions thereupon.
Washington, Govt. print. off., 1871. 912 p. 23^{cm}. (41st Cong., 3d sess. Senate. Ex. doc. 36.)
Incomplete; without the notes.
9-9831 JX236 1871

453 ——— Treaties and conventions concluded between the United States of America and other powers, since July 4, 1776. Rev. ed. Containing notes, with references to negotiations preceding the several treaties, to the executive, legislative, or judicial construction of them, and to the causes of the abrogation of some of them; an appendix showing the treaties concluded subsequently to those contained in the text, and a correction of errors and omissions.
JX236 1871

sions; a chronological list of treaties; an analytical index; and a synoptical index.

Washington, Govt. print. off., 1873. 1167 p., 1 l. 23^{1/2}cm.

Preface signed: J. C. Bancroft Davis, Department of state.

"The original edition . . . was printed as Senate executive document, no. 36, Forty-first Congress, third session."

(Some incomplete copies of the first edition of the compilation, got into circulation. The notes and indexes were also issued in separate form) Contains notes by J. C. Bancroft Davis. Discussion on the treaty-making power in Introductory note, p. 931-944. Constructions by the attorneys-general and courts of the United States, p. 941-942; Discussions in Congress of the treaty power under the Constitution, p. 942-944.

11-33794

JX236 1873

454 U. S. *Treaties, etc.* Treaties and conventions concluded between the United States of America and other powers since May 1, 1870. Not contained in Senate executive document no. 36, 41st Congress, 3d session, with some notes in reference thereto.

Washington, Govt. print. off., 1876. 1 p. l., p. [1085]-1324. 23cm.

Pref. signed: John L. Cadwalader, Department of state.

"Notes upon treaties and conventions concluded between the United States and foreign powers since May 1, 1870, and upon the construction thereof, with some references to recent constructions of the foreign treaties of the United States, and to late judicial decisions relating thereto, and to the causes of abrogation of some of the same," p. 1205-1229.

10-16571

JX236 1876

455 ————— Treaties and conventions concluded between the United States of America and other powers since July 4, 1776; containing notes, with references to negotiations preceding the several treaties, to the executive, legislative, or judicial construction of them, and to the causes of the abrogation of some of them; a chronological list of treaties; and an analytical index.

Washington, Govt. print. off., 1889. xiii, 1434 p. 23cm.

(48th Cong., 2d sess. Senate. Ex: doc. no. 47)

Compiled by John H. Haswell for the Department of state.

The notes by Mr. Davis, as given in the earlier edition of this compilation are likewise given in this work, while additional notes given are placed in brackets. Discussion of the treaty-making power in Introductory note, p. 1219-1230; Constructions by the attorneys-general and courts of the United States, p. 1227-1229; Discussions in Congress of the treaty power under the Constitution, p. 1229-1230. The text of the treaties of the United States is also printed in the U. S. Statutes at Large.

4-3856

JX236 1889

456 U. S. *Treaties, etc.* Treaties and conventions concluded between the United States of America and other powers. Supplementary to the Department of state publication of 1889.

[Washington] *Navy department, Bureau of equipment, 1897.* iv, [328] p. 23^{cm}.

Various paging.

Treaties and conventions dating from Dec. 5, 1885 to Jan. 13, 1897.

11-34326

JX236 1897

457 ——— Treaties, conventions, international acts, protocols and agreements between the United States of America and other powers. 1776-1909. Comp. by William M. Malloy under resolution of the Senate of January 18, 1909 (Res. no. 252, Sixtieth Congress, second session) ...

Washington, Govt. print. off., 1910. 2 v. 23^{1/2}cm. (61st Cong., 2d sess. Senate. Doc. 357)

Prepared under the direction of the Committee on foreign relations, United States Senate.

The Department of state cooperated with the compiler in the preparation of this compilation.

——— Supplement, 1913, to Senate document no. 357, Sixty-first Congress, second session, comp. by Garfield Charles. vol. III.

Washington, Govt. print. off., 1913. 181, xiv, 183-443, viii p. 23^{cm}. (62d Cong., 3d sess. Senate. Doc. 1063)

CONTENTS.—pt. I. Conventions in force.—pt. II. Conventions not in force.

10-35763

JX236 1910

Serial no. 5646, 5647

458 ——— Treaties between the United States of America and the several Indian tribes, from 1778 to 1837: with a copious table of contents. Compiled and printed by the direction, and under the supervision, of the commissioner of Indian affairs.

Washington, D. C., Langtree and O'Sullivan, 1837. 1 p. l., [v]-lxxxiii, 699 p. 23^{1/2}cm.

8-20225

E95.U556

459 Viallate, Achille. *Le président Roosevelt et le sénat américain.*

Revue politique et littéraire (Revue bleue) Feb. 25, 1905, 5, sér., v. 3:243-245.

AP20.R64,5. sér,v.3

Considerations regarding the arbitration treaties and the treaty with Santo Domingo.

460 **Virginia** law register. [Editorial.] Can an unconstitutional law be made constitutional by a treaty? Migratory bird law.

Virginia law register, Aug. 1918, n. s. v. 4: 305-307.

461 **Webster**, Daniel. [Letter to Mr. Everett, Nov. 25, 1842.]

(In Curtis, George Ticknor. Life of Daniel Webster, v. 2, p. 173-175. New York, 1870. 23^{cm.})

Commercial treaties, p. 174.

E340.W4C92,v.2

461a **Wells**, William V. The life and public services of Samuel Adams . . .

Boston, Little, Brown and co., 1866. 3 v. fronts. facsim.
27¹/₂^{cm.}

Conflict between the treaty-making power of the President and Senate and the authority of the House, v. 3, p. 355-356.

13-14097

E302.6.A2W42

462 **Wheeler**, Everett P. The treaty-making power of the government of the United States in its international aspects.

Yale law journal, Jan., 1908, v. 17: 151-161.

Considers the limits to the treaty-making power and also the duty of Congress in reference to the enforcement of the provisions of a treaty.

463 **Whitney**, Edward B. The reciprocity acts of 1890—Are they constitutional?

American register and law review, Mar., 1892, v. 31, (2d ser. v. 5): 173-188.

The two acts in question: Food act of August 19, 1890. §5; McKinley Tariff Act of October 1, 1890. §3. Constitutionality of second decided after writing of this article, Feb. 29, 1892. (Boyd, Sutton & co. v. U. S.; H. Herrman Sternbach & co. v. U. S., argued November, 1891.) Reciprocity and retaliation between different States of the Union. See "Commercial retaliation between the States," Am. Law Rev. Feb., 1885; Fire Association v. New York, 119 U. S., 110. Constitution not violated when a statute expressly or impliedly repeals a treaty, Chinese exclusion case. 130 U. S., 581; Whitney v. Robertson, 124 U. S., 190; Head Money cases, 112 U. S., 580, 599. Laying of a tax is a legislative act, New Orleans water works v. Louisiana sugar co., 125 U. S., 18, 31. The power to exclude involves the power to impose license fees, and that is the power to tax, Hamilton v. Dillin, 21 Wall, 73. The legislative power cannot be delegated, Wayman v. Southard, 10 Wheat. 1, 42-3; Bank of U. S. v. Halstead, *id.* 51, 61; *In re Rahrer*, 140 U. S., 545, 560; People's R. R. v. Memphis R. R., 10 Wall, 38, 50. *Referendum* has even been denied, Barto v. Himrod, 8 N. Y.,

483. This has been allowed however, while the right of delegation to a subagent has been denied, *Locke's Appeal*, 72 Pa. St., 491; *Cooley Const. Lim.* 6th ed., p. 140-46. Exceptions to rule, as municipal local self-government, *Paul v. Gloucester County*, 50 N. J. Law, 585. Or, as power of detail to be worked out by the judiciary or executive, *Wayman v. Southard*, 10 Wheat., 1, 42-3; *In re Griner*, 16 Wis., 423. Delegation of power to the President, *Paine, J.*, *In re Oliver*, 17 Wis., 681. Delegation of power to the Courts, Marshall, C. J., in *Wayman v. Southard*, 10 Wheat. 1, 42. McKinley act defended first, on authority of the brig *Aurora*, 7 Cranch, 362; secondly, on statutory precedent. President's power under the non-importation acts not legislative, but judicial. *Martin v. Mott*, 12 Wheat., 19; *Murray's Lessee v. Hoboken Land and Improvement co.*, 18 How., 272, 280. Usage in constitutional interpretation, *Cooley v. Board of Wardens*, 315; *Prigg v. Pennsylvania*, 16 Pet., 621; *Lithographic co. v. Sarony* 111 U. S. 53, 57; *The Lama*, 114 U. S., 411. Power to President under embargo acts, *Annals of Congress*, April 19, 1808, p. 2, 230; *Id.*, April 14, 1808, p. 2, 144; *Id.* Dec. 21, 1808, p. 295; April 19, 1808, p. 2, 216; *Id.* Dec. 21, 1808, p. 259; Jan. 7, 1809, p. 315; *Annals of Congress*, April 13, 1808, p. 2, 124-5; April 18, 1808, p. 2, 212; April 14, 1808, p. 2, 129-30; April 19, 1808, p. 2, 200-2; April 13, 1808, p. 2141-4 [?]. See also *Annals of Congress*, Dec. 1808; Jan. 1809, p. 245-319; *Congr. Record*, Sept. 8, 1890, p. 9, 882. (Remarks by Senator Evarts.) See also Acts of June 19, 1886; Canadian Retaliation Act of March 3, 1887. (Paul v. Gloucester co., 50 N. J. Law, 585, 600.) Senator Evarts questions constitutionality of the McKinley bill, *Cong. Rec.* Sept. 8-9, 1890, p. 9882, 9906. "Can Congress invest the President with its full powers," etc.? *Paine, J.*, *In re Oliver*, 17 Wis., 681; Marshall, C. J., in *Wayman v. Southard*, 10 Wheat., 1; *U. S. v. Lee*, 106, U. S., 196, 209; *Prize cases*, 2 Black, 635, 668-70; *Luther v. Borden*, 7 How., 1, 43; Mr. Justice Story, in *Martin v. Mott*, 12 Wheat., 19; Act of July 13, 1861; *Hamilton v. Dillin*, 21 Wall, 73; Act of March 3, 1863; *U. S. v. Klein*, 13 Wall, 128; *Bark Grapeshot*, 9 Wall, 129; *Cross v. Harrison*, 16 How., 164; *Leitensderfer v. Webb*, 20 How., 176; *Ex parte Milligan*, 4 Wall, 1; Acts of March 3, 1866, R. S., § 2,494; Food act of August 19, 1890, § 4; *Wood on Nuisances*, §§ 66-7; Chief Justice Marshall in *Cohens v. Virginia*, 6 Wheat., 264. "It is no answer that such a power may be abused for there is no power which is not susceptible of abuse, Mr. Justice Story, in *Martin v. Mott*, 12 Wheat., 19. President Adams's act in excess of the powers granted him by the Non-intercourse Act of 1799 pronounced void, *Little v. Barreme*, 2 Cranch, 170.

464 **Willson**, Beckles. *The new America; a study of the imperial republic.*

London, Chapman & Hall, 1903. vii p., 1 l., 268 p. 23cm.

The new diplomacy: p. 70-85. Includes a discussion of the relations between the President and Senate as to the treaty-making powers.

3-9966

E168.W736

465 **Wilson**, Woodrow, pres. U. S. *Congressional government; a study in American politics.*

Boston and New York, Houghton Mifflin company [1913?] xvi p., 1 l., 344 p., 1 l. 18cm.

Semi-executive powers of the Senate in regard to the foreign policy of the government: p. 49 et seq., 232 et seq.

15-16732

JK1061.W766 1913

466 **Woodburn**, James Albert. *American politics. The American republic and its government; an analysis of the government of the United States, with a consideration of its fundamental principles and of its relations to the states and territories.* 2d rev., ed.

New York and London, G. P. Putnam's sons, 1916. v, 398 p. diagr. 22cm.

Treaty-making power: p. 159-164.

17-26185

JK246.W88 1916

467 —— and Thomas Francis Moran. *The citizen and the republic; a text-book in government.*

New York, Chicago, Longmans, Green and co. [c1918] 2 p. l., iii-viii, 398, ix-xlvii, p., 1 l. front, illus., plates, facsimis., diagrs. 20 $\frac{1}{2}$ cm.

Treaty-making power: p. 246-248.

18-23061

JK274.W8

468 **Woolsey**, Theodore S. *Treaty-making under the United States Constitution.*

Journal of social science, Dec., 1902, no. 40: 83-95.

Discusses the prerogative of the Senate of "advice and consent," and also the issues raised when there is a divergence of view between the Senate and House as to the treaty-making power, reference being made to the Jay treaty of 1794, the treaties relating to the Louisiana purchase, the Gadsen purchase and the Alaska purchase, the treaties of reciprocity with Great Britain (1875) and the French treaty of 1831.

H1.J7,no.40

469 **Wyse, Francis.** America, its realities and resources: comprising important details connected with the present social, political, agricultural, commercial, and financial state of the country, its laws and customs, together with a review of the policy of the United States that led to the war of 1812, and peace of 1814—the “right of search,” the Texas and Oregon questions, etc., etc.

London, T. C. Newby, 1846. 3 v. 23^{cm}.

Considerations regarding extradition by treaty: v. 1, p. 169
et seq.

4-4913

E165.W98

II. UNDER THE CONFEDERATION.

470 **Adams, John, pres. U. S.** The works of John Adams, second president of the United States: with a life of the author, notes and illustrations, by his grandson Charles Francis Adams ...

*Boston, Little, Brown and company [etc.] 1850-56 [v. 1, '56]
10 v. fronts. plates, ports., facsimis. (part fold.) 22¹/₂^{cm}.*

Remarks by George Wythe, in Congress, Feb. 16, 1776, on inviting foreign nations to make treaties of commerce, and affirming “we must declare ourselves a free people,” v. 2, p. 486; Adams’s opinion that “independence, confederation, and negotiations with foreign powers, particularly France, ought to go hand in hand,” p. 503. Considerations regarding a treaty with France, p. 503-506, 510; Plan of treaty, p. 516-517.

8-19755

471 Albany plan of union. July 10, 1754.

(In Macdonald, William. Select charters and other documents illustrative of American history, 1606-1775, p. 253-257. New York, 1899. 20¹/₂^{cm}.)

“That the President General with the advice of the Grand Council, hold or direct all Indian Treaties in which the general interest of the Colonys may be concerned,” p. 256.

E173.M131

472 **Bancroft, George.** History of the United States of America, from the discovery of the continent. The author’s last revision. Vol. iv.

New York: D. Appleton and company, 1888. xvi, 452 p. 22^{cm}.

Adoption of Wythe’s resolution “That the colonies have a right to contract alliances with foreign powers;” p. 335-336.

E178.B2275,v.4

473 Butler, Charles Henry. The treaty-making power of the United States.

New York, The Banks law pub. co., 1902. 2 v. 24^{cm}.

Treaties, and the treaty-making power of the United States as exercised prior to and under the Confederation: v. 1, p. 235-284.

2-7104

JK570.B85

474 Crandall, Samuel Benjamin. Treaties, their making and enforcement. (2d ed.)

Washington, D. C., J. Byrne & company, 1916. xxxii, 663 p. 23¹/₂^{cm}.

Prior to the Articles of Confederation: p. 19-23; Under the Articles of Confederation: p. 24-42.

16-6404

JX4165.C8 1916

475 Fisher, Sydney George. The evolution of the Constitution of the United States, showing that it is a development of progressive history and not an isolated document struck off at a given time or an imitation of English or Dutch forms of government.

Philadelphia, J. B. Lippincott company, 1897. 2 p. l., 3-398 p. 19¹/₂^{cm}.

Treaty-making power, p. 306-307; Clauses quoted from Franklin's plan of 1754, Hutchinson's plan of 1754, Franklin's Articles of Confederation, 1775, South Carolina Constitution of 1776, the Articles of Confederation, 1778, Drayton's Articles of Confederation, 1778, Pinckney's plan, 1787, and from the Federal Constitution.

9-18342

JK37.F6

476 Franklin, Benjamin. The complete works of Benjamin Franklin. Comp. and ed. by John Bigelow.

New York and London, G. P. Putnam's sons, 1887-88. 10 v. fronts. plates. 23¹/₂^{cm}.

Plan of union for the colonies: Duty and power of the governor-general and grand council: To order all Indian treaties, v. 2, p. 346; Plan of union adopted by the convention at Albany, with the reasons and motives for each article of the plan: Power of president-general and grand council; treaties of peace and war, v. 2, p. 365-366; Articles of Confederation and perpetual union, proposed in General Congress, July 21, 1775, "That the power and duty of the Congress shall extend to the determining on war and peace; the entering into alliances," etc., v. 5, p. 550; Notification to the French minister of foreign affairs by the Commissioners of Congress of their appointment, v. 6, p. 42-43. The communication to the French minister of foreign affairs, Count de Vergennes, (v. 6, p. 42-43) is also printed in "Papers relating to the foreign relations of the United States," 1877, p. 154-155.

7-18932

E302.F838

477 **Franklin, Benjamin.** The writings of Benjamin Franklin; collected and ed., with a life and introduction, by Albert Henry Smyth.

New York, The Macmillan company; London, Macmillan & co., ltd., 1905-07. 10 v. fronts., illus., plates, ports., facsimis., diagrs. 23 $\frac{1}{2}$ cm.

5-35396

E302.F84

478 **Hutchinson, Thomas.** Plan of union . . . [Dec. 26, 1754.]

(*In Frothingham, Richard. The rise of the republic of the United States, 10th ed., p. 613-616. Boston, 1910. 21^{cm.})*

"That the President, by the advice of the Council, may hold and manage all Indian treaties in which the general interest or welfare of the colonies may be concerned," etc. p. 614.

E210.F96

479 [Jay, John.] [Circular letter to the states on the binding nature of treaties. April 13, 1787.]

(*In U. S. Continental congress. Journal, v. 12, p. 45-52.*

[Philadelphia,] 1787. 22^{cm.}) **J10.A1,v.12**

Also given in Rawle's "View of the Constitution of the United States of America," 2d ed., p. 316-323. Philadelphia, 1829.

JK216.R25

484a **Tucker, Henry St. George.** Limitations on the treaty-making Jefferson: being his autobiography, correspondence, reports, messages, addresses, and other writings, official and private. Pub. by the order of the Joint committee of Congress on the library, from the original manuscripts, deposited in the Department of state. With explanatory notes . . . by the editor, H. A. Washington.

Washington, Taylor & Maury, 1853-54. 9 v. front. (port.) 4 fold. facsimis. 23 $\frac{1}{2}$ cm.

Treaties under the Confederation, v. 1, p. 55-60, 62-67, 349-352, 358-361, 370-374, 457-459, 460, 538-540, 557; v. 9, p. 286; Treaties paramount to state laws, v. 3, p. 399-406.

6-7150

E302.J464

481 ——— The writings of Thomas Jefferson; collected and ed. by Paul Leicester Ford.

New York [etc.] G. P. Putnam's sons, 1892-99. 10 v. 23 $\frac{1}{2}$ cm.

Debate in Congress, June 8, 1776, and arguments of J. Adams, Lee, Wythe, and others, as to independence and treating with European powers: v. 1, p. 21-23; Treaties under the Confederation, v. 1, p. 77-84, 86-94, v. 4, p. 54-59, 79-82, 141-144, 198-201; Treaties paramount to state laws, v. 6, p. 41-47.

2-5666

E302.J466

482 **Madison**, James. [Letter] to Edmund Randolph. Philadelphia, May —, 1783.

(*In The papers of James Madison*, v. 1, p. 533-538. Washington, 1840. 24^{cm}.)

Largely on commercial treaties.

JK111.M2,v.1

483 **Miller**, Samuel Freeman. Lectures on the Constitution of the United States.

New York and Albany, Banks and brothers, 1893. xxi, 765 p. 24^{cm}.

Treaties negotiated by the Continental Congress: p. 48-55; The consular convention with France a construction of the treaty-making power: p. 55.

2-19694

JK241.M66

484 **South Carolina**. Constitution. 1776.

(*In Poore, B. P. The federal and state constitution, Colonial charters, and other organic laws of the United States*, 2d ed. v. 2, p. 1615-1620. Washington, 1878. 29 $\frac{1}{2}$ ^{cm}.)

xxvi. That the president and commander-in-chief shall have no power to make war or peace, or enter into any final treaty, without the consent of the general assembly and legislative council: p. 1619.

JK18 1878,v.2

484a **Tucker**, Henry St. George. Limitations on the treaty-making power under the Constitution of the United States.

Boston, Little, Brown, and company, 1915. xxi, 444 p. 24 $\frac{1}{2}$ ^{cm}.

The Treaty power under the Articles of Confederation as strong as under the Constitution. The chief difference being that under the former there was no judicial tribunal to enforce treaties: p. 56-72.

15-8092

JK570.T8

485 **U. S. Continental congress**. Articles of confederation—1777.

(*In Preston, H. W. ed. Documents illustrative of American history*, 1606-1863, with introductions and references, p. 218-231. New York, 1886. 23^{cm}.)

"Article ix. The United States in Congress assembled, shall have the sole and exclusive right and power of determining on peace and war, except in the cases mentioned in the sixth article—of sending and receiving ambassadors—entering into treaties and alliances, provided that no treaty of commerce shall be made whereby the legislative power of the respective States shall be restrained from imposing such imposts and duties on foreigners, as their own people are subjected to, or from prohibiting the exportation or importation of any species of goods or commodities whatsoever" etc., p. 223-224.

E173.P93

486 U. S. *Continental congress.* Journal of the United States in Congress assembled: containing the proceedings from the sixth day of November, 1786, to the fifth day of November, 1787. Vol. xii.

[*Philadelphia M, DCC, LXXXVII.* 255 [9] p. 22^{cm}.]

Resolutions affirming the binding nature of treaties made by Congress on the states: p. 32-33; Draught of a letter by the secretary for foreign affairs (Mr. Jay) to accompany the resolutions: p. 45-52; Treaties containing the most favored nation clause, and request to the Commonwealth of Virginia: p. 206-207.

JA10.A1,v.12

487 ——— Journals of Congress: containing their proceedings from September 5, 1774, to [November 3, 1788]
Published by authority. Volume I. [—xiii.]

From Folwell's press. Philadelphia. 1800-01. 13 v. 21-22^{cm}.

15-14439

JA10.A2

The Library of Congress has other editions.

488 ——— Secret journals of the acts and proceedings of Congress, from the first meeting thereof to the dissolution of the Confederation, by the adoption of the Constitution of the United States. Pub. under the direction of the President of the United States, conformably to resolution of Congress of March 27, 1818, and April 21, 1820.

Boston, T. B. Wait, 1820-21. 4 v. 22½^{cm}.

CONTENTS.—v. 1. Domestick affairs. History of the Confederation.—v. 2-4. Foreign affairs.

11-28751

J10.A35

489 ——— *Dept. of state.* The diplomatic correspondence of the United States of America, from the signing of the definitive treaty of peace, 10th September, 1783, to the adoption of the Constitution, March 4, 1789. Being the letters of the presidents of Congress, the secretary for foreign affairs—American ministers at foreign courts, foreign ministers near Congress—reports of committees of Congress, and reports of the secretary for foreign affairs on various letters and communications; together with letters from individuals on public affairs. Pub. under the direction of the secretary of state, from the original manuscripts in the Department of state, conformably to an act of Congress, approved May 5, 1832.

Washington, Printed by F. P. Blair, 1833-34. 7 v. 21½^{cm}.

10-9018

JX283.A2

III. AS CONSIDERED IN THE FEDERAL CONVENTION AND EUROPE
BEFORE THE ADOPTION OF THE CONSTITUTION

490 **Butler**, Charles Henry. The treaty-making power of the United States.

New York, The Banks law pub. co., 1902. 2 v. 24^{cm}.

Proceedings of the Constitutional Convention of 1787 relating to treaties and the treaty-making power of the Federal government, v. 1, part 2, p. 285-338. Proceedings of the Constitutional Conventions of the several states, in so far as they relate to the treaty-making power of the national government, p. 339-370.

The treaty-making powers as a factor in the great national debate of 1787-8, p. 371-392.

2-7104

JK570.B85

491 ——— Treaties, their making and enforcement. (2d ed.)

Washington, D. C., J. Byrne & company, 1916. xxxii, 663 p. 23^{1/2}cm.

The Federal convention: p. 43-52; Discussion preceding the adoption of the Constitution: p. 53-66.

16-6404

JX4165.C8 1916

492 **Elliot**, Jonathan, *ed.* The debates in the several state conventions on the adoption of the federal Constitution, as recommended by the general convention at Philadelphia, in 1787. Together with the Journal of the federal convention, Luther Martin's letter, Yates's minutes, Congressional opinions, Virginia and Kentucky resolutions of '98-'99, and other illustrations of the Constitution . . . 2d ed., with considerable additions. Collected and rev. from contemporary publications. Pub. under the sanction of Congress.

Philadelphia, J. B. Lippincott company, 1896. 5 v. 24^{cm}.

Vol. 5 has title: Debates on the adoption of the federal Constitution, in the convention held at Philadelphia, in 1787; with a diary of the debates of the Congress of the Confederation; as reported by James Madison . . . Rev. and newly arranged by Jonathan Elliot . . . Vol. v. Supplementary to Elliot's Debates . . .

Reprint of edition of 1836-45.

12-14217

JK141 1836b

493 **Ellsworth**, Oliver. The landholder. (Oliver Ellsworth), in the Connecticut Courant.

(In Scott, E. H., *ed.* The Federalist and other Constitutional papers, v. 2, p. 566-603. Chicago, 1894. 25^{cm}.)

As to dangers from the treaty power, p. 578.

JK154 1894

494 **Ellsworth**, Oliver. The letters of a landholder. Written by Oliver Ellsworth, and printed in the Connecticut Courant and the American Mercury, November, 1787–March, 1788.

(In Ford, Paul Leicester, ed. Essays on the Constitution of the United States, p. 135–202. Brooklyn, 1892. 2 $\frac{1}{2}$ ".)
As to the dangers from the treaty power, p. 165.

JK171.F72

495 **The Federalist**. 1787–1788. No. 64, by Jay, is on the treaty-making power of the Senate; and no. 75, by Hamilton, on the treaty-making power of the President. For other observations on the treaty-making power, see edition with index.

Numerous editions of "The Federalist" are noted in Paul Leicester Ford's "Bibliography of the Constitution" printed in George Ticknor Curtis's "Constitutional History of the United States," v. 2, p. 708–766. New York, 1896. Editions issued since those given in Ford's list are those of Charlottesville, Va., 1895, abridged by Wm. A. Falconer; New York, 1898, ed. by Paul Leicester Ford; and Washington, 1901, with an introduction by E. G. Bourne; New York, 1901, with a special introduction by Goldwin Smith; New York, 1902, ed. by Henry Cabot Lodge. French ed., by Gaston Jéze, Paris, 1902; and Selections, ed. with an introduction by William Bennett Munro, Cambridge, 1914.

496 **Hamilton**, Alexander. Constitution of governments by the people of the United States of America. First draught of Hamilton, 1787.

(In The Works of Alexander Hamilton, ed. by Henry Cabot Lodge, v. 1, p. 334–353. New York & London, 1885. 2 $\frac{1}{2}$ ".)

E302.H23,v.1

"The Senate shall exclusively have the power of declaring war. No treaty shall be made without their advice and consent," etc. page 338; "All treaties, conventions, and agreements with foreign nations shall be made by him, [the President] by and with the advice and consent of the Senate," p. 342; "The laws of the United States and the treaties which have been made under the articles of the Confederation, and which shall be made under this Constitution, shall be the supreme law of the land, and shall be so construed by the courts of the several States," p. 348; "All treaties, contracts, and engagements of the United States of America, under the Articles of Confederation and Perpetual Union, shall have equal validity under this Constitution," p. 351; "No State shall enter into a treaty, alliance, or contract with another, or with a foreign power, without the consent of the United States," p. 351.

- 497 **Hamilton, Alexander.** Propositions for a constitution of government.

(*In The Works of Alexander Hamilton*, edited by Henry Cabot Lodge, v. 1, p. 331-333. New York & London, 1885. 23 $\frac{1}{2}$ ^{cm.})

"The Governor . . . to have, with the *advice* and *approbation* of the Senate, the power of making all treaties," etc., p. 332;
 "The Senator to have the sole power of *declaring war*—the power of advising and approving all treaties," etc., p. 332.

E302.H23,v.1

- 498 [**Iredell, James.**] Answers to Mr. Mason's objections to the new constitution recommended by the late convention at Philadelphia. By Marcus.

(*In McRee, Griffith J.: Life and correspondence of James Iredell*, v. 2, p. 186-215. New York, 1858. 23 $\frac{1}{2}$ ^{cm.})

Treaty-making power, p. 202-203; Treaties of commerce, p. 205-206.

Iredell's "Answers to Mr. Mason's objections" is also reprinted in Paul Leicester Ford's "Pamphlets on the Constitution of the United States," p. 338-370 (JK171.F71), and in E. H. Scott's "The Federalist and other constitutional papers" v. 2, p. 885-917 (JK154 1894).

E302.6.I7M17

- 499 [**Lee, Richard Henry.**] Observations leading to a fair examination of the system of government, proposed by the late convention; and to several essential and necessary alterations in it. In a number of letters from the Federal Farmer to the Republican.

[*New York*]: Printed [by Thomas Greenleaf] in the year 1787. 40 p. 12^o.

Reprinted in Paul Leicester Ford's "Pamphlets on the Constitution of the United States," p. 277-325 (JK171.F71), and in E. H. Scott's "The Federalist and other constitutional papers," v. 2, p. 839-880 (JK154 1894).

Treaties, p. 29-30, 34.

- 500 [——] An additional number of letters from the Federal farmer to the Republican; leading to a fair examination of the system of government, proposed by the late convention; to several essential and necessary alterations in it; and calculated to illustrate and support the principles and positions laid down in the preceding letters.

[*n. p.*] Printed in the year 1788. 1 p. l., p. [xliv]-xliiv, [45]-181. 17^{cm.}

On the treaty-making power, p. 98-100; Argument that "the legislature has a proper control over the president and senate in settling commercial treaties," p. 99-100.

501 **Madison, James.** Debates on the adoption of the Federal Constitution in the convention held at Philadelphia, in 1787; with a diary of the debates of the Congress of the Confederation; ... Revised and newly arranged by Jonathan Elliot. Complete in one volume. Vol. v. Supplementary to Elliot's Debates. Published under the sanction of Congress.

Washington: Printed for the editor, 1845. xxii, 641 p.
24¹/₂cm.

See index under "Treaty."

JK141 1836,v.5

502 ——— The papers of James Madison, . . . now published from the original manuscripts, deposited in the Department of State, by direction of the joint library committee of Congress, under the superintendence of Henry D. Gilpin.

Washington: Langtree & O'Sullivan, 1840. 3 v. Facsimiles. 24¹/₂cm.

See index, v. 3, under "Treaty."

JK111.M2

503 **Massachusetts. Convention, 1788.** Debates, resolutions and other proceedings, of the convention of the commonwealth of Massachusetts convened at Boston, on the 9th of January, 1788, and continued until the 7th of February following, for the purpose of assenting to and ratifying the Constitution recommended by the Grand Federal Convention. Together with the yeas and nays on the decision of the grand question. To which the Federal Constitution is prefixed.

Boston, Adams and Nourse, 1788. 219 p. 19cm.

Treaties: p. 107, 113, 156.

9-21475

JK161.M4 1788

504 ——— *Same.*

Boston, W. White, printer to the commonwealth, 1856. vii p., 4 l., 442 p. 24cm.

3-3147

JK161.M4 1856

505 **New York (State) Convention, 1788.** The debates and proceedings of the Convention of the state of New-York, assembled at Poughkeepsie, on the 17th June, 1788. To deliberate and decide on the form of federal government

recommended by the General convention at Philadelphia,
on the 17th September, 1787. Taken in shorthand.
New-York, Printed and sold by F. Childs, 1788. 1 p. l., ii,
[3]-144 p. 21^{cm}.

Amendment proposed, "Resolved, as the opinion of this committee, that no treaty ought to operate so as to alter the constitution of any state; nor ought any commercial treaty to operate so as to abrogate any law of the United States," p. 140.

A reprint has been issued with title: The debates and proceedings of the constitutional convention of the state of New York . . . Published by the Vassar brothers institute. Poughkeepsie, N. Y., 1905.

5-35342

JK161.N7 1905

506 Patterson, William. [Plan of government. June 15, 1787.]

[In Madison, James. Debates on the adoption of the federal constitution, p. 191-193. Washington, 1845. 24^{cm}. (Elliot's debates, v. 5.)]

Resolutions favoring a revision, correction and enlargement of the Articles of Confederation.

JK141 1836,v.5

507 Pennsylvania. *Historical society.* Pennsylvania and the federal Constitution, 1787-1788. Ed. by John Bach McMaster and Frederick D. Stone.

[Philadelphia] Pub. for the subscribers by the Historical society of Pennsylvania [Lancaster, Inquirer printing and publishing co., printers] 1888. viii, 803 p. 15 port. (incl. front.) 25¹/₂^{cm}.

Treaties of commerce by the old Congress, p. 455; how affected by laws of the United States and constitutions of states, p. 463; objections to the power of the president and senate in making treaties, p. 476; amendment proposed regarding treaties, p. 564.

7-8550

JK161.P4 1888

508 Pinckney, Charles. Plan of a federal constitution. May 29, 1787.

(In Madison, James. Debates on the adoption of the federal Constitution, p. 129-132. Washington, 1845. 24^{cm}. (Elliot's debates, v. 5.)

JK141 1836,v.5

"Art. vii.—The Senate shall have the sole and exclusive power to declare war, and to make treaties, and to appoint ambassadors and other ministers to foreign nations, and judges of the supreme court," p. 131.

See Jameson, J. F. "Studies in the history of the Federal convention of 1787," reprinted from the Annual Report of the American Historical Association for 1902, v. 1, p. 87-167, for discussions of the authenticity of the text of the Pinckney plan.

- 509 [Ramsay, David.] An address to the freemen of South-Carolina, on the subject of the Federal Constitution, proposed by the convention, which met in Philadelphia, May 1787. *Charleston: Printed by Bowen and co., [1787?]* 82 p. 16°.

Defense of the treaty-making clause, p. 7-8.

Ramsay's address is reprinted in Paul Leicester Ford's "Pamphlets on the Constitution of the United States," p. 371-380, (JK171.F71) and in E. H. Scott's "The Federalist and other constitutional papers," v. 2, p. 918-924. (JK154 1894).

- 510 Randolph, Edmund. [Plan of government. May 29, 1787.]

(In Madison, James. Debates on the adoption of the federal constitution. p. 127-128. Washington, 1845. 24°. (Elliot's debates, v. 5.) JK141 1836.v.5)

No clause on the treaty-making power in particular. The national legislature should be empowered with the legislative rights vested in Congress by the Confederation and have the authority to negative any laws passed by the several states contravening any treaty subsisting under the authority of the Union. A national executive should be instituted and have, besides a general authority to execute the national laws, the executive rights vested in Congress by the Confederation.

- 511 Richardson, Hamilton P. The journal of the federal convention of 1787 analyzed; the acts and proceedings thereof compared; and their precedents cited; in evidence . . . that . . . Congress have general power to provide for the common defense and general welfare of the United States; direct taxes are taxes direct to the several states . . . and the limits of the Union are coextensive with the bounds of America.

San Francisco, The Murdock press, 1899. 244 p. 8°.

Dec. 7, 99-91

JK146.R52

- 512 Rowland, Kate Mason. The life of George Mason, 1725-1792, including his speeches, public papers, and correspondence; with an introduction by General Fitzhugh Lee.

New York, London, G. P. Putnam's sons, 1892. 2 v. front. (port.) 2 facsim. 23½cm.

Treaties, treaty-making power, v. 2, p. 49, 105, 106, 147, 148, 155, 169, 229, 245, 261, 289, 385, 388, 389, 401, 411, 413, 430-432, 484, 440, 449, 450, 452.

Mason's "Objections to this constitution of government," v. 2, p. 387-390, which include his objection to the grant of the treaty-making power, is also printed in Paul Leicester Ford's "Pamphlets on the Constitution of the United States," p. 327-332, and in E. H. Scott's "The Federalist and other constitutional papers," v. 2, p. 881-884.

- 513 Spear, Samuel T. Treaties and the federal convention.
Albany law journal, July 10, 1880, v. 22: 25-28.

Study based largely on the reports of the Federal Convention in the Madison Papers. Constitution, Art. I. sec. 10, denying the right to make treaties to the States. See Story's Constitution, § 1403.

Same i. e. Story's § 1403, the matter of compacts between States; also, Holmes *v.* Jennison, 14 Pet., 540, and the People *v.* Curtis, 59 N. Y., 321. Ability of Congress to guarantee its own stipulations. Story's Const. § 1838. Treaties as a part of "the supreme law of the land" are placed under the cognizance of the judicial power of the United States. Sec. 25, of the Judiciary act of Sept. 24, 1789, 1 U. S. Stat. at Large, 73, Rev. Stat. of the U. S., sec. 709.

- 514 U. S. Bureau of rolls and library. Documentary history of the Constitution of the United States of America, 1786-1870. Derived from records, manuscripts, and rolls deposited in the Bureau of rolls and library of the Department of state.

Washington, Department of state, 1894-1905. 5 v. 31½cm.

Vol. III has an appendix (not included in the original edition) "Additional notes by Madison for the introduction to his notes of debates in the Federal convention": p. 796a-796o; also, a "Special index": p. 797-904.

2-10164/5

JK111.A52

- 515 —— Constitutional convention, 1787. Journal, acts and proceedings of the convention, assembled at Philadelphia, Monday, May 14, and dissolved Monday, September 17, 1787, which formed the Constitution of the United States.
Boston, T. B. Wait, 1819. 510 p. 22½cm.

Published under the direction of the President of the United States, conformably to a resolution of Congress of March 27, 1818.

9-21623

JK141 1819

- 516 —— —— Journal of the Federal convention, kept by James Madison. Reprinted from the ed. of 1840, which was published under direction of the United States government from the original manuscripts. A complete index specially adapted to this ed, is added. Ed. by E. H. Scott.

Chicago, Scott, Foresman and co., 1898. 2 v. 25cm.

See Index under Treaties.

1-9289

JK141 1898

517 U. S. *Constitutional convention, 1787.* The journal of the debates in the convention which framed the Constitution of the United States, May-September, 1787, as recorded by James Madison; ed. by Gaillard Hunt.

New York and London, G. P. Putnam's sons, 1908. 2 v. 5 facsim. (2 fold.) 21^{cm}.

8-20180

JK141 1908

518 ——— The records of the Federal convention of 1787, ed. by Max Farrand.

New Haven, Yale university press, 1911. 3 v. 26^{cm}.

For discussions of Treaty-making power see Index by clauses of Constitution, Art. II, Sec. 2, clause 2: p. 643-644.

11-5506

JK141 1911

519 ——— Report of the committee of detail. Aug. 6, 1787.

(In Madison, James. *Debates on the adoption of the Federal Constitution, p. 376-381.* Washington, 1845, 24^{cm}. (Elliot's debates, v. 5.)

"Art. ix.—Sec. 1, The Senate of the United States shall have power to make treaties, and to appoint ambassadors, and judges of the supreme court." p. 379.

"Art. xii.—No state shall . . . enter into any treaty, alliance, or confederation; nor grant any title of nobility": p. 381.

JK141 1836,v.5

520 ——— Secret proceedings and debates of the convention assembled at Philadelphia, in the year 1787, for the purpose of forming the Constitution of the United States of America. From the notes taken by the late Robert Yates.

Washington, Printed for G. Templeman, 1836. 308 p. 22^{cm}.

First published in 1821.

9-21547

JK141 1836b

521 ——— Same.

Washington, Govt. print. off., 1909. 208 p. 22^{cm}. (60th Cong., 2d sess. Senate. Doc. 728)

9-35422

JK141 1909

522 **Virginia.** *Convention, 1788.* Debates and other proceedings of the Convention of Virginia, convened at Richmond, on Monday the 2d day of June, 1788, for the purpose of deliberating on the Constitution recommended by the grand Federal convention. To which is prefixed, the federal Constitution.

Petersburg: Printed by Hunter and Prentis, M,DGC,LXXXVIII [i. e. 1788]-89. 3 v. in 1. 21^{cm}.

Treaty-making clause considered, v. 3, p. 80-95; Proposed amendment regarding the treaty-making power, v. 3, p. 222. The nature of the treaty-making power is also considered in the discussion of the navigation of the Mississippi, which runs through the last part of v. 1 and the greater part of v. 2.

7-7114

JK161.V8 1788a

523 ————— *Same.* Taken in short hand, by David Robertson of Petersburg. 2d ed.

Richmond: Printed at the Enquirer's press, for Ritchie & Worsley and Augustine Davis, 1805. viii, 477 p. 21¹/₂^{cm}.

See p. 104-105, 354-367, 474; also, the discussion of the navigation of the Mississippi, p. 115-261.

JK161.V8 1805

524 [Webster, Noah] An examination into the leading principles of the Federal constitution proposed by the late Convention . . . with answers to the principal objections that have been raised against the system.

Philadelphia: printed and sold by Prichard & Hall, 1787. 55 p.

Discussion of the constitution and powers of the Senate, p. 16-21.

Also printed in Paul L. Ford's "Pamphlets on the Constitution of the United States," p. 25-65. Brooklyn, N. Y., 1888.

JK171.F71

IV. AS CONSIDERED IN WRITINGS ON THE CONSTITUTION

525 **Ames, Herman V.** The proposed amendments to the Constitution of the United States during the first century of its history.

(In American historical association. Annual report for the year 1896. v. 2, Washington, 1897. 8°.)

"Foreign affairs—the treaty-making power," p. 267-269, 308, 309, 310, 319, 323, 413, 414.

E172.A60 1896,v.2

526 **Baker**, Andrew J. Annotated Constitution of the United States.

Chicago, Callaghan and company, 1891. lxxxvii, 279 p. 24cm.

Treaties and the treaty power: p. 58, 115-117, 133, 173, 174.
2-9008

JK241.B16

527 **Boutwell**, George Sewall. The Constitution of the United States at the end of the first century.

Boston, D. C. Heath & co., 1895. xviii, 412 p. 21cm.

Treaties: p. 286-296, 352, 354, 377.
9-21537

JK241.B77

528 **Bryant**, Edwin Eustace. The Constitution of the United States, with notes of the decisions of the Supreme court thereon, from the organization of the court till October, 1900.

Madison, Wis., The Democrat printing company, 1901. x, 418 p. 20cm.

Treaties and the treaty power: p. 58, 115-117, 133, 173, 174.
1-31152

JK241.B9

529 **Bryce**, James Bryce, *viscount*. The American commonwealth. New ed., completely rev. throughout, with additional chapters.

New York, The Macmillan company, 1910. 2 v. 21cm.

Treaties, see Index.

10-26931

JK246.B9 1910

530 **Calhoun**, John C. A disquisition on government and a discourse on the constitution and government of the United States. Ed. by Richard K. Cralle.

Charleston, S. C.: Walker and James, 1851. viii, 496 p. 23cm. (His Works, v. 1.)

Treaty-making power; p. 201 *et seq.*

E338.C13,v.1

531 **Corwin**, Edward Samuel. The doctrine of judicial review, its legal and historical basis, and other essays.

Princeton, Princeton university press; [etc., etc.] 1914. vii p., 1 l., 177 p. 21cm.

"Some possibilities in the way of treaty-making;" p. 161-171.
14-19188

JK1541.C7

532 **Coxe**, Brinton. An essay on judicial power and unconstitutional legislation, being a commentary on parts of the Constitution of the United States.

Philadelphia, Kay and brother, 1893. xvi, 415 p. 23 $\frac{1}{2}$ cm.

Influence of the treaty of peace with Great Britain on the Constitution of the United States, p. 274-284; Of the origin of the doctrine that a treaty may be part of the law of the land of a state, p. 284-285; Of the meaning of the words, "the law of the land," in the first resolution and the federal letter of Congress, p. 287-290; The treaty of peace with Great Britain a part of the law of the land, p. 289-290; The federal letter of Congress, April 13, 1787, p. 387-395.

9-23583

JK1541.C8

533 **Curtis**, George Ticknor. Constitutional history of the United States from their declaration of independence to the close of the civil war.

New York, Harper & brothers, 1889-96. 2 v. front. (v. 2, port.) 23 $\frac{1}{2}$ cm.

Treaties and the treaty-making power: v. 1, p. 219, 422, 457, 463, 465, 468, 553, 554, 579, 581, 589, 596.

5-29962

JK116.C85

534 **Duer**, William Alexander. A course of lectures on the constitutional jurisprudence of the United States. 2d ed., rev., enl.

Boston, Little, Brown and company, 1856. xxii p., 1 l., 545 p. 20cm.

The powers to make treaties, etc. p. 227-238.

12-13111

JK211.D8

535 ——— Outlines of the constitutional jurisprudence of the United States.

New-York, Collins and Hannay, 1833. xxiii, [25]-249 p. 18cm.

Treaties: p. 65-66, 135-141, 193.

9-21742

JK221.D85

536 **Farrar**, Timothy. Manual of the Constitution of the United States of America.

Boston, Little, Brown, and company, 1867. xii, 532 p. 23cm.

Treaty-making power: p. 333, 447-451.

9-21633

JK246.F24

537 Hare, John Innes Clark. American constitutional law.

Boston, Little, Brown, and company, 1889. 2 v. 24¹/₂cm.

Regulation of commerce, p. 427 *et seq.*; Power to make treaties, p. 15, 171; Power to regulate commerce may be exercised by treaty, p. 435. Law contrary to a treaty binding on the courts, p. 439, 502.

9-21642

JK241.H28

538 Garrison, Benjamin, pres. U. S. This country of ours.

New York, C. Scribner's sons, 1897. 3 p. l., [iii]-xxiv, 360 p. 19cm.

Treaty-making power: p. 134-136; Participation of House in treaties: p. 136-141. *See also* p. 121-123, 250, 281, 284.

4-3866

JK424.H3

539 Hart, Albert Bushnell. Introduction to the study of federal government.

Boston, Ginn & company, 1891. x, 11-200 p. 23¹/₂cm.
(*Harvard historical monographs, no. 2*)

Treaties as basis of federation: p. 15, 17, 19; Foreign powers: p. 165-166.

5-1610

JC353.H24

540 Holst, Hermann Eduard von. The constitutional law of the United States of America. Authorized ed. Tr. by Alfred Bishop Mason.

Chicago, Ill., Callaghan & company, 1887. v p., 1 l., 369 p. 24cm.

Treaty-power, p. 200 *et seq.*

President before negotiating a treaty may ask the Senate for advice; his right to do so has never been disputed, p. 201; Treaty-power cannot be unlimited, p. 202; A law can be repealed by a treaty (*Foster v. Neilson*, 2 Peters, 253) as well as a treaty by a law, p. 202 (The Cherokee Tobacco, 11 Wallace, 616); If a treaty and a law are in opposition, their respective dates must decide whether the one or the other is to be regarded as repealed, p. 202 (*Foster v. Neilson*, 2 Peters, 253, 314; *Doe v. Braden*, 16 Howard, 635); Relation between the treaty-power and the legislative-power, p. 203-204; Commercial treaties, p. 204-205; When stipulations in a treaty are of the nature of a contract, the contract must be fulfilled by the action of the legislature (or executive), p. 205-206 (*Foster v. Neilson*, 2 Peters, 253).

9-21111

JK31.H75

541 **Kent**, James. *Commentaries on American law*. 12th ed. Ed. by O. W. Holmes, jr. 14th ed. Ed. by John M. Gould. *Boston, Little, Brown, and company, 1896.* 4 v. 24 $\frac{1}{2}$ ^{cm}.

Part I. Of the law of nations: Treaties of peace: p. 163-177 (200-211); Of territories ceded or acquired: p. 177-179 (211-214); Part II. Of the government and constitutional jurisprudence of the United States; The treaty-making power, p. 284-287, (346-350).

2-20193

542 **McClain**, Emlin. *A selection of cases on constitutional law*.

Boston, Little, Brown and company, 1900. xxxi, 1080 p. 24 $\frac{1}{2}$ ^{cm}.

The powers of the executive: Sec. II. Treaties: p. 581-590. Cases cited: *Haver v. Yaker*, 9 Wallace, 32 (1869). The People, *ex rel.* The Attorney-General *v. Gerke*, 5 Cal. 381 (1855). Head money cases, 112 U. S., 580, (1884).

May 17, 1900-69

JK240.M12

543 ——— *Same*. 2d ed.

Boston, Little, Brown, and company, 1909. xli, 1297 p. 24 $\frac{1}{2}$ ^{cm}.

9-27928

JK265.M3

544 **Miller**, Samuel Freeman. *Lectures on the Constitution of the United States*.

New York and Albany, Banks and brothers, 1893. xxi, 765 p. 24 $\frac{1}{2}$ ^{cm}.

Treaties negotiated by the Continental Congress: p. 48-55; The consular convention with France a construction of the treaty-making power: p. 55; Power to make treaties: p. 167-168, 214-216, 375, 578-579; Treaties providing for payment of moneys: p. 181-184; Principal treaties reviewed: p. 220-226; Commercial treaties: p. 225-226; Cases arising under treaties: p. 321-325.

2-19694

JK241.M66

545 **Noailles**, Jules Charles Victurnien *duc de*. *Cent ans de république aux États-Unis*.

Paris, C. Lévy, 1886-89. 2 v. 23 $\frac{1}{2}$ ^{cm}.

Attributions exécutives du Sénat: v. 1, p. 361-391.

2-16065

JK246.N74

546 **Paschal**, George Washington. *The Constitution of the United States defined and carefully annotated. With an appendix, supplement, and index thereto.* [3d ed.]

Washington, D. C., W. H. Morrison, 1882. xx, xx-a-xxc, [xxi]-lxxii, 644 p. 21 $\frac{1}{2}$ ^{cm}.

Treaties: p. 373-374, 393, 412, 463-464.

2-14916

JK241.P27 1882

547 Patterson, Christopher Stuart. *The United States and the States under the Constitution.* 2d ed., with notes and references to additional authorities, by Robert P. Reeder. *Philadelphia, T. & J. W. Johnson & co., 1904.* xli, 347 p. 24^{cm}.

Supremacy of treaties: p. 238-239.

4-31001

JK314.P3 1904

548 Pomeroy, John Norton. *An introduction to the constitutional law of the United States.* Especially designed for students, general and professional. 9th ed., rev. and enl., by Edmund H. Bennett.

Boston and New York, Houghton, Mifflin and company, 1886. xxxviii, 709 p. 23^{cm}.

President's power to make treaties: p. 118; Acquisition of territory by treaties: p. 396-398; The power of the President to manage the foreign and international relations of the United States: p. 563-572; Cases arising under treaties: p. 631-632.

"The Constitution places no express limits whatever upon the subjects, conditions, or contents of treaties. The President shall have power to make treaties. . . . Congress, having no power over them, can not abrogate or modify them. In general, therefore, the President, with the consent of the Senate, may enter into any species of treaty known in the intercourse of nations, any species known to the international law. The genus 'treaties' includes all the usual kinds and sorts": p. 566.

9-21072

JK241.P78 1886

549 Rawle, William. *A view of the Constitution of the United States of America.* 2d ed.

Philadelphia, P. H. Nicklin, 1829. viii, [9]-349 p. 24^{cm}.

Of the treaty making power: p. 63-76, 316-324.

9-25931

JK216.R25

550 Sergeant, Thomas. *Constitutional law. Being a collection of points arising upon the Constitution and jurisprudence of the United States, which have been settled, by judicial decision and practice.*

Philadelphia, A. Small, 1822. 2 p. l., [iii]-viii, [9]-415, [1] p. 23^{1/2}cm.

Treaties and treaty-making power, etc.: p. 53, 149, 328, 391, 395-400.

16-12958

JK1521.S4 1822

551 —— *Same.* 2d. ed., with additions and improvements.

Philadelphia, P. H. Nicklin and T. Johnson, 1830. 2 p. l., xi, 440 p. 24^{cm}.

15-23571

JK1521.S4 1830

552 Story, Joseph. *Commentaries on the Constitution of the United States: with a preliminary review of the constitutional history of the colonies and states before the adoption of the Constitution*, 5th ed., by Melville M. Bigelow. *Boston, Little, Brown, and company, 1905, 1891.* 2 v. $24\frac{1}{2}$ cm.

Treaties: v. 1, p. 13-15, 187-188, 193; v. 2, p. 225-226, 275-278, 450, 603-612.

8-27554

JK211.S72

553 Sutherland, George. *Constitutional power and world affairs*. *New York, Columbia university press, 1919.* viii, 202 p. $20\frac{1}{2}$ cm. (*Columbia university lectures . . . George Blumenthal foundation, 1918*)

The treaty-making power—General: p. 116-140; The treaty-making power—How far limited: p. 141-165.

19-4440

JK306.S7

554 Sutherland, William Angus. *Notes on the Constitution of the United States, showing the construction and operation of the constitution as determined by the federal Supreme court and containing references to illustrative cases from the inferior federal courts and state courts*.

San Francisco, Bancroft-Whitney company, 1904. xv, 973 p. $23\frac{1}{2}$ cm.

Treaties: p. 239-240, 481-484, 517, 612-614.

4-21695

JK241.S96

555 Thayer, James Bradley. *Cases on constitutional law.* With notes.

Cambridge [Mass.] C. W. Sever and company, 1895. 2 v. $25\frac{1}{2}$ cm.

Treaty-making power: p. 87-88. Great scope of the treaty-making power: p. 373 n.

6-5685

JK241.T37

556 Thorpe, Francis Newton. *The constitutional history of the United States. 1765-1895.*

Chicago, Callaghan & company, 1901. 3 v. maps. $22\frac{1}{2}$ cm.

Authority of a treaty: v. 2, p. 343.

Feb. 28, 1901-98

JK31.T6

557 **Tiffany**, Joel. A treatise on government, and constitutional law; being an inquiry into the source and limitation of governmental authority, according to the American theory.

Albany, W. C. Little, 1867. vi p., 1 l., [9]-398, [3]-179 p. 24^{cm}.

Defects of confederation in respect to treaties: p. 93; Power to make treaties under the Constitution: p. 344; Subject of treaties discussed: p. 344-348; Practice in making treaties: p. 346-348.

9-21639

JK241.T56

558 **Tucker**, Henry St. George. Limitations on the treaty-making power under the Constitution of the United States.

Boston, Little, Brown, and company, 1915. xxi, 444 p. 24¹/₂^{cm}.

15-8092

JK570.T8

559 **Tucker**, John Randolph. The Constitution of the United States. A critical discussion of its genesis, development, and interpretation. Ed. by Henry St. George Tucker.

Chicago, Callaghan & co., 1899. 2 v. 24^{cm}.

Treaties, etc.: p. 376, 720-732, 822; Emphasis placed on the limitations of the treaty-making power.

99-2353

JK241.T9

560 **Tucker**, St. George. View of the Constitution of the United States.

(In Blackstone's commentaries . . . By St. George Tucker, v. I, p. 140-377. Philadelphia, 1803.)

Treaty-making power: p. 253, 264, 309, 332-336, 373.

561 **Watson**, David Kemper. The Constitution of the United States, its history, application and construction.

Chicago, Callaghan & company, 1910. 2 v. 24¹/₂^{cm}.

Treaty making power: p. 2, p. 948-967.

10-19949

JK268.W3

562 **Whiting**, William. War powers under the Constitution of the United States. 43d ed.

Boston, Lee and Shepard; New York, Lee, Shepard and Dillingham, 1871. xxviii, 695 p. 23¹/₂^{cm}.

Treaties modifying the law of nations: p. 340-352; How aliens are affected by treaties of commerce: p. 352-354.

9-23595

JK560.W7 1871

563 **Willoughby**, Westel Woodbury. The constitutional law of the United States.

New York, Baker, Voorhis & company, 1910. 2 v. 24^{cm}.

See chap. 34-35.

10-25891

JK268.W6

564 **Wilson**, James, and Thomas M'Kean. Commentaries on the Constitution of the United States of America, with that Constitution prefixed, in which are unfolded, the principles of free government, and the superior advantages of republicanism demonstrated. The whole extracted from debates, pub. in Philadelphia by T. Lloyd.

London, Printed for J. Debrett, 1792. 1 p. l., [5]-147, [2] p. 20¹/₂^{em}.

Wilson on treaties: p. 96, 111-113.

9-21071

JK171.W7

CONSIDERATIONS IN RESPECT TO SPECIAL TREATIES

1778—FRANCE

- 565 Depew, Chauncey M. Our first treaty with France.
National review, May, 1912, v. 36: 150–156. AP4.N25,v.36

- 566 Lyman, Theodore. The diplomacy of the United States.
Being an account of the foreign relations of the country,
from the first treaty with France, in 1778, to the present
time. 2d ed.—with additions.

Boston, Wells and Lilly, 1828. 2 v. 23cm.

Treaties of amity and commerce and of alliance of 1778, with
France: v. 1, p. 22–69, 352–353.

4-20773 JX1412.L9 1828

- 567 Raynal, Guillaume Thomas François. The revolution of
America. New ed.
Edinburgh, 1783. vi p., 1 l., 191 p. 18cm.

Appendices: no. 1. Treaty of friendship and commerce be-
tween the court of Versailles and the United States of
America, signed Feb. 6, 1778.

2-3699 E211.R27

- 568 Trescot, William Henry. The diplomatic history of the ad-
ministrations of Washington and Adams, 1789–1801.

*Boston, Little, Brown and company, 1857. x, [2], 283 p.
21cm.*

Treaties with France declared void: p. 194.

7-3221 E312.T79

- 569 U. S. Congress. Abridgment of the Debates of Congress, from
1789 to 1856. From Gales and Seaton's Annals of Con-
gress; from their Register of debates; and from the of-
ficial reported debates, by John C. Rives. By the author
of the Thirty years' view [Thomas Hart Benton].

*New York [etc.] D. Appleton and company [etc.] 1857–61.
16 v. 26cm.*

Abrogation of French treaties: v. 2, p. 310–316.

15-8704 J15.B4,v.2

570 U. S. 5th Congress. The debates and proceedings in the Congress of the United States. May 15, 1797, to March 3, 1799, inclusive.

Washington: Gales and Seaton, 1851. 3 vols. 8°. (Annals of Congress, vols. 7-9.)

Abrogation of French treaties, col. 586, 587, 588, 602, 2085, 2037, 2063, 2116, 2127, 2132, 3754.

Discussed and action taken in 1798. Among those who discussed the matter in the House were Sewall, Nicholas, Dana, Otis, Bayard, Kittera, Gordon, S. Smith, Gallatin and Edmond.

"An act to declare the treaties heretofore concluded with France, no longer obligatory on the United States." Approved July 7, 1798, col. 3754.

571 ————— 5th Congress, 2d session. [Report by Mr. Goodhue from the Committee on foreign relations, recommending the abrogation of the French treaties.] June 21, 1798.

(In U. S. 56th Congress, 2d session. Senate doc. no. 281. Compilation of reports of the Committee on foreign relations, part 8, p. 10-11. Washington, 1901. 23^{cm.})

JX234.A2.v.8

1790—CREEK INDIANS

572 B. [Communication on the treaty of 1790 with the Creeks.] *Daily National Intelligencer, Washington, Feb. 23, 1816, page 2.*

See Jefferson's Works, ed. by H. A. Washington, v. 6, p. 557-560, for comment on this communication and a discussion of Jefferson's views.

573 Jackson, Mrs. Helen Maria (Fiske) Hunt. A century of dishonor; a sketch of the United States government's dealings with some of the Indian tribes; by Helen Jackson (H. H.) New ed., enl. by the addition of the report of the needs of the mission Indians of California.

Boston, Roberts brothers, 1885. x, 514 p. 19^{cm.}

2-15270

E93.J13

574 Jefferson, Thomas. The writings of Thomas Jefferson: . . . With explanatory notes, tables of contents, and a copious index to each volume, as well as a general index to the whole, by the editor H. A. Washington. [Vols. 6 and 7] *Washington, D. C., Taylor & Maury, 1854. 2 v. 23¹/₂^{cm.}*

On the treaty with the Creeks, v. 6, p. 557-560; "Opinion in regard to the continuance of the monopoly of the com-

merce of the Creek nation, enjoyed by Col. McGillivray, July 29, 1790," v. 7, p. 504-506.

Jefferson afterwards qualified the statement made in this opinion as to the treaty-making power. See note, p. 505; also Washington's Jefferson, v. 4, p. 134-135, 497, 500; and Story On the Constitution, 5th ed., v. 2, p. 609.

6-7150

E302.J464,v.6,7

575 **Jefferson**, Thomas. The writings of Thomas Jefferson, collected and ed. by Paul Leicester Ford. [Vol. 5.]

New York, G. P. Putnam's sons, 1895. xxviii, 515 p.
23 $\frac{1}{2}$ cm.

"Opinion in regard to the continuance of the monopoly of the commerce of the Creek nation, enjoyed by Col. McGillivray, July 29, 1790," p. 215-216. For later views on the treaty-making power, see note 1, p. 216; also, Ford's Jefferson, v. 7, p. 67-68; Washington's Jefferson, v. 4, p. 134, 497, 500; and Story On the Constitution, 5th ed. v. 2, p. 609.

2-5666

E302.J466,v.5

576 **Marshall**, John. The life of George Washington . . . Compiled under the inspection of the honourable Bushrod Washington, from original papers bequeathed to him by his deceased relative. 2d ed., rev.

Philadelphia, James Crissy, 1832. 2 v. front. 22 $\frac{1}{2}$ cm.

Treaty with the Creek Indians, allowing the free importation of goods through the United States, v. 2, p. 192-193, and note iv, v. 2, pt. 2, p. 4.

15-1321

E312.M35

577 **Story**, Joseph. Commentaries on the Constitution of the United States: with a preliminary review of the constitutional history of the colonies and states before the adoption of the Constitution. 5th ed., by Melville M. Bigelow.

Boston, Little, Brown, and company, 1905, 1891. 2 v.
24cm.

Note on the treaty with the Creek Indians, v. 2, p. 609.

8-27554

JK211.S72

578 **U. S.** *1st Congress*. The debates and proceedings in the Congress of the United States. Vol. I, comprising (with vol. II) the period from March 3, 1789, to March 3, 1791, inclusive.

Washington: Gales and Seaton, 1834. 4°. (Annals of Congress, v. 1.)

Bill providing for the expenses attending negotiations for treaties with the Greeks, etc., considered in the House, col. 698-708; Bill in the Senate, col. 62-64. Message from the

President of the United States, on the treaty with the Greeks, col. 1024-1025. Secret article relating to the free importation of goods, col. 1025. Execution of secret article, col. 1025.

- 579 Washington, George. The writings of George Washington; . . . with a life of the author, notes, and illustrations. By Jared Sparks. Volume XII.

Boston, John B. Russell, 1837. viii, 592, (1) p. 26^{cm}.

Message to the Senate; on a treaty with the Creek Indians, August 4, 1790, p. 84-85. Message to the Senate; on a treaty with the Creek Indians, August 7th, 1790, p. 86-87. These messages are also printed in American State Papers, Indian affairs, v. 1, p. 80, 81. (the treaty, p. 81-82); and in the Journal of the executive proceedings of the Senate, v. 1, p. 55-56, 58. (ratification of the treaty, p. 61-62.)

5-14201

E312.7.1834,v.12

- 580 ——— The writings of George Washington, collected and edited by Worthington Chauncey Ford. Vol. 11, 1785-1790.

New York and London: G. P. Putnam's sons, 1891. xxi, (1), 510 p. 23½^{cm}.

Treaty with the Creek Indians, p. 421-424, 495.

2-5665

E312.7.1889,v.11

1794—GREAT BRITAIN (JAY TREATY)

- 581 Adams, John. The works of John Adams, second president of the United States: with a life of the author; notes and illustrations, by his grandson Charles Francis Adams.

Boston: Little, Brown and co. 1850-1856. 10 v. 22½^{cm}.

The treaty with Great Britain, negotiated by Mr. Jay, v. 1, p. 471, 477, 481, v. 9, p. 18, 27, 36, 40, 74, 138.

8-19755

E302.A26

- 582 The American remembrancer; or, An impartial collection of essays, resolves, speeches, &c. relative, or having affinity, to the treaty with Great Britain.

Philadelphia, Printed by H. Tuckniss, for M. Carey, 1795-[96] 3 v. 21½^{cm}.

Together with the discussions of the expediency of the Jay treaty are occasional observations on the constitutional limitations on the treaty-making power. Included in the collection are speeches and essays by Charles Pinckney, Hamilton [Camilus], Mathew Carey [Caius]. R. R. Livingston [Cato], and others.

9-757

E311.A48

583 **Ames, Fisher.** The speech of Mr. Ames, in the House of representatives of the United States, when in committee of the whole, on Thursday, April 28, 1796, in support of the following motion: Resolved, That it is expedient to pass the laws necessary to carry into effect the treaty lately concluded between the United States and the king of Great Britain.

*Philadelphia, Printed by J. Fenno, 1796. 2 p. l., 59 p. 22 $\frac{1}{2}$ cm.
6-7513*

E314.A51

584 ——— *Same.* [2 ed.]

*Boston, Printed by Jno. & J. N. Russell; sold by them; and
by William P. Blake [1796] 52 p. 23 $\frac{1}{2}$ cm.*

16-25949

E314.A5

585 ——— *Same.*

(*In his Works.* With a selection from his speeches and correspondence. Ed. by his son, Seth Ames, v. 2, p. 37-71. Boston 1854. 24cm.)

E302.A52,v.2

586 ——— *Same.*

(*In American oratory*, p. 94-121. Philadelphia, 1836. 8°.)

587 ——— *Same.*

(*In Johnston, Alexander. British orations*, [vol. 1] p. 112-130. New York, 1896. 18 $\frac{1}{2}$ cm.)

E178.J73,v.1

Also given in U. S. 4th Cong., 1st sess. House of Representatives. Debates, part 2. Upon the subject of the British treaty, p. 308-334. Philadelphia, 1796. 21 $\frac{1}{2}$ cm.

JK573.1796.A5

588 **Butler, Pierce.** Letter to Madison. Philadelphia, June 12, 1795. Acknowledging a letter. Reading of the [British] treaty in the Senate. Sends Madison a part of the document to read and send to Jefferson and to not communicate it further. A few copies only printed. Its constitutionality questioned. Its ratification problematical. 3 p. 4°.

Ms. Department of State.

589 [**Cobbett, William.**] A little plain English, addressed to the people of the United States, on the treaty negotiated with his Britannic Majesty, and on the conduct of the President relative thereto; in answer to "The letters of Franklin." With a supplement, containing an account of the

- turbulent and factious proceedings of the opposers of the treaty. By Peter Porcupine [pseud.]
Philadelphia, printed: London, Reprinted: for F. and C. Rivington, 1795. 8, 111 p. $21\frac{1}{2}$ ^{cm}.
 8-835 E311.F835
- 590 ——— *Same.*
Philadelphia, T. Bradford, 1795. 8, 111 p. $22\frac{1}{2}$ ^{cm}.
 8-8361 E311.F834
- 591 ——— The political censor, or monthly review of the most interesting political occurrences, relative to the United States of America. By Peter Porcupine [pseud.] [April and May, 1796]
Philadelphia: Printed for Benjamin Davies, 1796. 2 nos. $22\frac{1}{2}$ ^{cm}.
 The April and May numbers contain reports of the debate in the House of Representatives on the Jay treaty, and comments by Cobbett. See p. 78-195.
 E311.C66
- 592 Conway, Moncure Daniel. Omitted chapters of history disclosed in the life and papers of Edmund Randolph, governor of Virginia; first attorney-general United States, secretary of state.
New York & London, G. P. Putnam's sons, 1888. vi, 401 p. front. (port.) pl., tab. $24\frac{1}{2}$ ^{cm}.
 British treaty: p. 220-221, 227, 233, 246, 248, 253, 255, 260, 264, 292, 341, 354.
 12-31573 E302.6.R18C7
- 593 [Dallas, Alexander James] Features of Mr. Jay's treaty.
(In Gt. Brit. Treaties, etc., 1760-1820 (George III) Treaty of amity, commerce, and navigation, between His Britannic Majesty, and the United States of America. . . . Philadelphia, 1795. $21\frac{1}{2}$ ^{cm}. p. 109-151)
 10-227 E314.G781
- 594 [———] Features of Mr. Jay's treaty. To which is annexed a View of the commerce of the United States, as it stands at present, and as it is fixed by Mr. Jay's treaty.
Philadelphia, Printed by Lang & Ustick, for Mathew Carey, 1795. 51 p. $20\frac{1}{2}$ ^{cm}.
 [Bailey pamphlets, v. 9, no. 1]
 [Duane pamphlets, v. 16, no. 4]
 12-28262 AC901.D8 vol.16

595 **Dallas**, Alexander James. Features of Mr. Jay's treaty. To which is annexed a View of the commerce of the United States, as it stands at present, and as it is fixed by Mr. Jay's treaty.

(*In Life and writings of Alexander James Dallas*, p. 160-210. Philadelphia, 1871. 23½^{cm.})

"The British treaty and the constitution of the United States are at war with each other," p. 183 et seq.

E302.D14D2

596 **Elliot**, Jonathan. The debates in the several state conventions, on the adoption of the Federal Constitution, as recommended by the general convention at Philadelphia in 1787. Vol. 4, 2d ed., with considerable additions.

Washington: Printed for the editor, 1836. xii, 639 p. 24^{cm.}

"Treaty-making power.—(Jay's treaty.)" p. 435-438. Discussions in the House of Representatives.

JK141.1836.v.4

597 **Ellsworth**, Oliver. Letter to Honorable Mr. Trumbull. Dated Philadelphia, March 13, 1796. Grant of the treaty-making power. Effect of treaties. Conflict of a treaty with existing laws, etc. Treaty and statute-making power both essential to regulate commerce with foreign nations and the two powers are reconcilable. The claim of the House of Representatives to participate in or control the treaty-making power is as unwarranted as it is dangerous. The obligation to appropriate money in the case of the pending treaty is indispensable. 9 p.

Ms. Library of Congress. Letters to Washington. Vol. 117. Miscellaneous.

598 **Franklin**, *pseud.* Letters of Franklin on the conduct of the executive, and the treaty negociaited, by the chief justice of the United States, with the court of Great-Britain.

Philadelphia, Printed by E. Oswald, 1795. 56 p. 22½^{cm.}

Originally published in the Independent gazetteer.

11-24291

E314.F83

599 **Gallatin**, Albert. On the British treaty—House of Representatives, April 26, 1796.

(*In Johnston, Alexander. American orations*, [vol. 1] p. 84-111. New York, 1896. 18½^{cm.}) E173.J73.v.1

Also given in U. S. 4th Cong., 1st sess., House. Debates, pt. 2. Upon the subject of the British treaty, p. 252-271. Philadelphia, 1796. 21½^{cm.}

JK373.1796.A5

600 ——— *Same.*

(*In Moore, Frank. American eloquence*, v. 2, p. 133-143. New York, 1862. 25½^{cm.})

E302.1.M82

601 **Gallatin**, Albert. [On the constitutional power of the House with respect to treaties. March 7, 9, 24 and 31, 1796.]

(*In U. S. 4th Cong., 1st sess. House. Debates, pt. 1. Upon the constitutional powers of the House, with respect to treaties, p. 13-15, 44-55, 326-348, 367. Philadelphia, 1796. 21½^{cm.}.*)

JK573.1796.A5

602 ——— [Letter] to John Forsyth, Jan. 31, 1816.

(*In The Writings of Albert Gallatin, ed. by Henry Adams, v. 1, p. 684-687. Philadelphia, 1879. 25^{cm.}*)

A review of treaties to which effect was given by legislative act. Dwells especially on the Jay treaty.

E338.G16.v.1

603 **Gibbs**, George. Memoirs of the administrations of Washington and John Adams, ed. from the papers of Oliver Wolcott, secretary of the Treasury.

New York, Printed for the subscribers [W. Van Norden, printer] 1846. 2 v. front. (port.) 23^{cm.}

The Jay treaty: v. 1, p. 307-319.

5-36490

E311.G44

604 **Giles**, William B. [On the constitutional power of the House with respect to treaties. March 7, 11, and 31, 1796.]

(*In U. S. 4th Cong., 1st sess. House. Debates, pt. 1. Upon the constitutional powers of the House, with respect to treaties, p. 6, 83-97, 364, 365, 369. Philadelphia, 1796. 21½^{cm.}.*)

JK573.1796.A5

605 **Gt. Brit.** *Treaties, etc., 1760-1820 (George III)* Treaty of amity, commerce, and navigation, between His Britanick Majesty and the United States of America, signed at London, the 19th of November, 1794. Published by authority.

Quebec, Printed by command of the governor by W. Von-denvelden, 1796. 45 p. 24½^{cm.} (In Gt. Brit. Laws, statutes, etc. A collection of the acts . . . relative to Canada. Quebec, 1800)

"Explanatory article"; p. [41]-45.

6-10401

606 **Griswold**, Roger. [On the constitutional powers of the House with respect to treaties. March 10, 1796.]

(*In U. S. 4th Cong., 1st sess. House. Debates, pt. 1. Upon the constitutional powers of the House, with respect to treaties, p. 56-63. Philadelphia, 1796. 21½^{cm.}*)

JK573.1796.A5

607 [Hamilton, Alexander] Defence of Mr. Jay's treaty.

(*In The American remembrancer. Philadelphia, 1795-[96] 21 $\frac{1}{2}$ cm. v. 1, p. 47-98, 174-199, 253-287; v. 2, p. 18-34, 176-199; v. 3, p. 15-63, 153-216, 238-275*)

Caption title.

In 38 parts; signed: Camillus.

No. 1-22 pub. separately, New York, 1795, under title: A defence of the treaty of amity, commerce, and navigation, entered into between the United States of America & Great Britain . . . 139 p. E314.H21

"Printed originally in the Minerva. The joint work of Hamilton, King, and Jay."—P. L. Ford, Bibl. Hamiltoniana, 1886, p. 47. On the same page may be found also a statement of the part taken by each writer in the composition of the work.

9-759 E311.A48

608 ——— The works of Alexander Hamilton, ed. by Henry Cabot Lodge.

New York & London: G. P. Putnam's sons, 1885-86. 9 v. 23 $\frac{1}{2}$ cm.

Defence of Mr. Jay's treaty, "Camillus," v. 4, p. 369-524, v. 5, p. 3-332; Message from Washington to Congress, in reply to a call for papers relating to the treaty with Great Britain, v. 7, p. 118-137; Power of the House of Representatives in case of a treaty discussed in letters to Washington, William Smith, Rufus King, and Oliver Wolcott, v. 8, p. 381-395.

9-4588 E302.H23

609 Hunt, Charles Havens. Life of Edward Livingston.

New York, D. Appleton and company, 1864. xxiv, 448 p. incl. front. port. 23cm.

Livingston on the treaty-making power: p. 68 *et seq.*

13-14393 E302.6.L78H92

610 Jefferson, Thomas. The writings of Thomas Jefferson, . . . With explanatory notes, . . . by the ed. H. A. Washington. Vol. 4.

Washington, D. C., Taylor & Maury, 1854. vii, (1), 597 p. 23 $\frac{1}{2}$ cm.

Power of the House of Representatives in treaties discussed, p. 124, 125, 134-139; Accuracy of the President's recollection challenged, p. 136. See also p. 120-122, 126, 127, 131, 148, 465-466; and v. 9, p. 186-187, 190-191.

6-7150 E302.J464,v.4

611 ——— The writings of Thomas Jefferson, collected and ed. by Paul Leicester Ford. Vol. 7. 1795-1801.

New York, London, G. P. Putnam's sons, 1896. xxxv, (1), 501 p. 23 $\frac{1}{2}$ cm.

Power of the House of Representatives over treaties discussed, p. 40, 41, 59, 67-72; Abstract of arguments used by

John Marshall, p. 36-37; Accuracy of the President's recollection challenged, p. 70. *See also*, p. 27-33, 38-42, 44, 58, 62; v. 1, p. 273-274, 277-278, and v. 8, p. 212.

2-5666

E302.J466,v.7

612 —— The Jeffersonian cyclopedia. A comprehensive collection of the views of Thomas Jefferson . . . Ed. by John P. Foley.

New York and London, Funk & Wagnalls company, 1900.
xxii, (2), 1009 p. plates. ports. 25 $\frac{1}{2}$ ^{cm}.

"Jay treaty," p. 436-438.

0-4337

JK113.J4

613 King, Rufus. The life and correspondence of Rufus King, comprising his letters, private and official, his public documents, and his speeches. Ed. by his grandson Charles R. King.

New York, G. P. Putnam's sons, 1894-1900. 6 v. 6 front.
(v. 1-5: ports.) 23 $\frac{1}{2}$ ^{cm}.

See on Jay treaty in the House of Representatives: v. 2, p.
39-43.

C-246

E302.K54

614 Lee, Charles. Attorney-general to Washington. March 26, 1796. Expresses the opinion that the House of Representatives has not the right, under the constitution, to demand and obtain the papers on the Jay treaty described in its resolution of March 24 without the consent of the President. 6 p.

MS. Library of Congress. Letters to Washington. vol. 117.
Miscellaneous.

615 —— Attorney general to Washington. March 29, 1796. Has examined the journals of the House of Representatives and has not met with any act of Washington's administration that contradicts the President's opinion relative to the right of the House to participate in making treaties. 1 p.

MS. Library of Congress. Letters to Washington. Vol. 117.
Miscellaneous.

616 Livingston, Edward. [On the constitutional power of the House with respect to treaties, March 7, and 18, 1798.]

(In U. S. 5th Cong. 1st sess. House. Debates, pt. 1. Upon the constitutional powers of the House, with respect to treaties, p. 3, 4-5, 221-236. Philadelphia, 1796. 21 $\frac{1}{2}$ ^{cm}.)

JK373.1796.A5

"There seem at present strong reasons to conclude that a majority will be firm in the doctrine that the House has a Constitutional right to refuse to pass laws for executing a Treaty, and that the Treaty power is limited by the enumerated powers."—Letter to Jefferson, March 13, 1796, p. 88.

Exception taken to the President's refusal to transmit the papers relating to the Jay treaty, p. 89-90, 94.

6-24330

E302.M18,v.2

- 622 **Madison**, James. [On the constitutional powers of the House with respect to treaties. March 7, 10, Apr. 6, 1796.]

(In U. S. 4th Cong., 1st sess. House. Debates, pt. 1. Upon the constitutional powers of the House, with respect to treaties, p. 15-16, 69-77, 375-385. Philadelphia, 1796. 21 $\frac{1}{2}$ ^{cm.})

JK573.1796.A5

- 623 **Marshall**, John. The life of George Washington . . . Compiled under the inspection of the honourable Bushrod Washington, from original papers bequeathed to him by his deceased relative. 2d ed., revised and corrected by the author.

Philadelphia, James Crissy, 1832. 2 v. 22 $\frac{1}{2}$ ^{cm.}

Debates in the House of Representatives on the Jay treaty and the treaty-making power, v. 2, p. 377-385.

15-1321

E312.M35

- 624 **Meier**, Ernst. Über den Abschluss von Staatsverträgen.

Leipzig, Duncker & Humblot, 1874. xiii, 368 p. 23^{cm.}

Der Handelsvertrag mit England; 1794: p. 173-177.

2-18652

JX4171.T5M4

- 625 **Muhlenberg**, Frederick Augustus. [Report on the treaty-making power.]

(In Journal of the House of Representatives, [reprinted ed.] 4th Congress, 1st session, April 7, 1796, page 499. Washington, 1826. 8°.)

- 626 **Pickering**, Timothy. Secretary of State to the President. March 29, 1796. Letter of transmittal to the President. 1 page. Accompanying papers as follows: Draught of proposed answer to the House of Representatives, with respect to its call for the papers relating to the negotiations with Great Britain, and in discussion of the treaty-making power. 9 p. Result of an examination of Mr. Livingston's speech on calling for the papers on the Jay treaty. 4 p.

Ms. Library of Congress. Letters to Washington. Vol. 117. Miscellaneous.

- 627 **Pitkin, Timothy.** A political and civil history of the United States of America, from the year 1763 to the close of the administration of President Washington, in March, 1797. *New Haven, H. Howe and Durrie & Peck, 1828.* 2 v. front. (port.) 22 $\frac{1}{2}$ ^{cm.}

The Jay treaty: v. 2, p. 442-478.

2-5355

E302.1.P682

- 628 **Randolph, Edmund.** The British treaty, 1795.

American historical review, Apr. 1907, v. 12: 587-599.

Documents as follows: Randolph to the President, June 25, 1795; Memorandum of facts to be recorded, June 27, 1795; Memorandum; Randolph to the President, July 12, 1895. The first three documents are in the Library of Congress, in Randolph's handwriting; the fourth is from a copy in the Department of State, Transcripts, XXII, 184-201.

E171.A57,v.12

- 629 [———] [Opinion, as secretary of state, on the constitutionality and expediency of empowering Mr. Jay to conclude a treaty of commerce with Great Britain. Submitted May 6, 1794.]

(In Conway, Moncure D. Omitted chapters of history disclosed in the life and papers of Edmund Randolph, p. 220-221. New York, 1888. 24 $\frac{1}{2}$ ^{cm.}) E302.6.R18C7

Holds that (1) "to permit such a treaty to be signed by Mr. Jay, and transmitted for ratification, is to abridge the power of the senate to judge of its merits;" (2) "if he be permitted to sign a treaty of commerce, no form of expression can be devised to be inserted in it which will not be tantamount to a stipulation to ratify;" and (3), while the people of the United States desire a treaty, "no man can undertake to say that they would be contented with one or two articles only" as proposed by the secretaries of the Treasury and War Department.

This opinion is also printed in the Works of Alexander Hamilton, ed. by J. C. Hamilton, v. 4, p. 549-550, New York, 1851. The original ms. is in vol. 117, Letters to Washington. Miscellaneous. Library of Congress.

- 630 [———] A vindication of Mr. Randolph's resignation.

Philadelphia, Printed by S. H. Smith, 1795. 103 p. 21^{cm.}

The British treaty: p. 97-98.

9-6130

E311.R2

- 631 **Rankin, Robert Ream.** The treaty of amity, commerce, and navigation between Great Britain and the United States, 1794.

(In California. University. University of California chronicle. Berkeley, 1907. 23^{cm.} vol. IX, no. 2 suppl. April, 1907. 100 p. incl. map.)

Bibliography: p. 88-96.

14-9191

E314.R2

- 632 **Schouler**, James. History of the United States of America, under the Constitution. Rev. ed. Vol. 1. 1783-1801.
New York, Dodd, Mead & company, [1894] xix, (1), 541 p. Folded map. 21 $\frac{1}{2}$ ^{cm.}

The Jay treaty, p. 304-329.

E301.S372,v.1

- 633 **Sedgwick**, Theodore. On the constitutional powers of the House with respect to treaties. [March 11 and 31, 1796.] (*In U. S. 4th Cong., 1st sess. House. Debates, pt. 1. Upon the constitutional powers of the House, with respect to treaties, p. 97-114, 364, 366. Philadelphia, 1796. 21 $\frac{1}{2}$ ^{cm.}.*)

JK573.1796.A5

- 634 Treaty of amity, commerce, and navigation, between His Britannic Majesty and the United States of America, conditionally ratified by the Senate of the United States, at Philadelphia, June 24, 1795. To which is annexed, a copious index.

Philadelphia: Printed by Henry Tuckniss for Mathew Carey, 1795. 283 p. 16°.

- Same. 2d ed. *Philadelphia: Printed by Lang & Ustick, for Mathew Carey, 1795.* 190 p. 8°.

Deals more with the expediency of the treaty than with constitutional considerations.

- 635 **Trescot**, William Henry. The diplomatic history of the administrations of Washington and Adams, 1789-1801.

Boston, Little, Brown and company, 1857. x, [2], 283 p. 21 $\frac{1}{2}$ ^{cm.}

Negotiations and treaty with England: p. 63-128.

7-3221

E312.T79

- 636 **U. S. Congress**. Abridgment of the Debates of Congress, from 1789 to 1856. . . . [Thomas Hart Benton]

New York, D. Appleton and company, 1857-61. 16 v. 26 $\frac{1}{2}$ ^{cm.}

The treaty with Great Britain, v. 1, p. 639-702; Execution of the treaty p. 702-754; Message of the president declining to send papers, p. 692-693.

15-8704

J15.B4,v.1

- 637 — 4th Cong. 1st sess. The debates and proceedings in the Congress of the United States. . . . Dec. 7, 1795 to June 1, 1796, inclusive.

Washington: Gales and Seaton, 1849. 26 $\frac{1}{2}$ ^{cm.} (*Annals of Congress, v. 5.*)

Treaty with Great Britain, col. 426-783. See also col. 969, 976 etc., for the debate on carrying the treaty into effect.

J11.A5,v.5

638 U. S. 4th Cong., 1st sess., 1795-1796. House. Debates in the House of representatives of the United States, during the first session of the Fourth Congress.

Philadelphia, Printed for B. F. Bache, by Bioren & Mandan, 1796. 2 v. in 1. 21½cm.

CONTENTS.—pt. 1. Upon the constitutional powers of the House, with respect to treaties.—pt. 2. Upon the subject of the British treaty.

The debates were edited by Bache.

“The discussions . . . occupied the best parts of March and April, 1796. They were divided into two distinct debates, each consuming about a month. The first began on a preliminary resolution offered by Mr. Livingston, calling on the president to lay before the House a copy of the instructions to Mr. Jay, together with the correspondence and other documents relative to the treaty, excepting such as any existing negotiation might render improper to be disclosed, and continued after that resolution had passed and the President had refused to comply with it, upon further resolutions brought forward by Mr. Blount of North Carolina, protesting against the refusal. The second was upon a resolution making the appropriation for carrying the treaty into effect.

“These two debates brought out all the intellect and all the eloquence of the House. . . . A large number of orators, whose names oblivion has since overcome, vied in wisdom, temper and eloquence with such men as James Madison, William B. Giles, Theodore Sedgwick, and Fisher Ames. The celebrated Bostonian delivered, on this occasion, what is known as his greatest speech. . . .

“The members took sides at once, [after Mr. Livingston had brought forward his resolution,] and spoke alternately, for and against the resolution, from the 7th till the 24th of March. Gallatin, Madison, and Giles were among the earliest and most strenuous supporters of the resolution; Sedgwick, and John Williams of New York, were conspicuous in opposition to it.” . . . —Hunt’s Life of Edward Livingston, p. 67-69.

9-26624

JK573.1796.A5

639 Washington, George. The writings of George Washington; . . . With a life of the author, notes and illustrations. By Jared Sparks. [Vols. XI and XII.]

Boston: Russell, Shattuck, and Williams, [etc.] 1836-1837.
2 v. 26cm.

The British treaty, v. 11, p. 31, 32, 42, 43, 44, 46, 47, 50, 57, 58, 71, 104, 481; v. 12, p. 58, 66, 211, 212, 213, 214; Papers called for by the House of Representatives, v. 11, p. 115, 121, 122, 123; Message to the House of Representatives, March 30th, 1796, v. 12, p. 112-116.

5-14201

E312.7.1834,v.11,12

- 640 Washington, George. Writings . . . collected and edited by Worthington Chauncey Ford. Vol. 13. 1794-1798.
New York and London: G. P. Putnam's sons, 1892. xx, 501 p. 23 $\frac{1}{2}$ ^{cm.}

Message to the House of Representatives refusing to send the papers relating to the Jay treaty, p. 177-180. *See also*, on the Jay treaty, p. 59, 153, 176, 188 and 208.

The message from Washington, refusing to send the papers relating to the Jay treaty to the House of Representatives is also printed in the Journal of the House of Representatives, 4th Cong., 1st sess., p. 292-296; in American State Papers, Foreign relations, v. 1, p. 550-551; Waites' State Papers and Publick Documents, v. 2, p. 102-105; and elsewhere. *See also* Lodge's edition of Hamilton's Works, v. 7, p. 118-137.

2-5665

E312.7.1889,v.13

- 641 Williams, John. [On the constitutional powers of the House with respect to treaties. March 21, and 31, 1796.]

(In U. S. 4th Cong., 1st sess. House. Debates, pt. 1. Upon the constitutional powers of the House, with respect to treaties, p. 236-246, 365-366. Philadelphia, 1796. 21 $\frac{1}{2}$ ^{cm.})

JK373.1796.A5

- 642 [Wolcott, Oliver.] To the president. March 26, 1796. [On the right of the House of Representatives to judge of a treaty, etc.]

(In Gibbs, George. Memoirs of the administrations of Washington and John Adams, v. 1, p. 310-317. New York, 1846. 23 $\frac{1}{2}$ ^{cm.})

E311.G44

1795—ALGIERS

- 643 Jefferson, Thomas. The writings of Thomas Jefferson: . . . With explanatory notes, . . . by the editor H. A. Washington. [Vols. 4 and 9]

Washington, Taylor & Maury, 1854. 2 v. 23 $\frac{1}{2}$ ^{cm.}

The treaty with Algiers and the rights of the House, v. 4, p. 136-139; v. 9, p. 106-107, 114-115.

6-7150

E302.J464,v.4,9

- 644 — The writings of Thomas Jefferson, collected and edited by Paul Leicester Ford. [Vols. 1 and 7.]

New York, London, G. P. Putnam's sons, 1892-1896. 2 v. 23 $\frac{1}{2}$ ^{cm.}

The treaty with Algiers and the rights of the House, v. 1, p. 183-184, 190-192; v. 7, p. 70-72.

2-5666

E302.J466,v.1,7

645 **Lyman, Theodore.** The diplomacy of the United States. Being an account of the foreign relations of the country, from the first treaty with France, in 1778, to the present time. 2d ed.—with additions.

Boston, Wells and Lilly, 1828. 2 v. 23^{cm}.

Algiers: v. 2, p. 352-380.

4-20773

JX1412.L9 1828

646 **Trescot, William Henry.** The diplomatic history of the administrations of Washington and Adams, 1789-1801.

Boston, Little, Brown and company, 1857. x, [2], 283 p. 21^{cm}.

Relations with Algiers: p. 268-274.

7-3221

E312.T79

647 **U. S. 4th Cong., 2d sess., Senate.** Algiers. Report from the Committee to whom was referred the President's message . . . relative to our affairs with the Dey and regency of Algiers. Jan. 16, 1797.

(In American state papers. Foreign relations, v. 1, p. 558. Washington, 1832.) J33

On the provision necessary to make the treaty with Algiers effective. In U. S. Annals of Congress (Gales & Seaton) v. 6, col. 1670-1671, 1763-1767, 1787, 2245-2246; Message from the President, with accompanying papers on the situation of affairs with the Dey and regency of Algiers, Jan. 9, 1797, v. 6, col. 2235-2245. Acts of appropriation, v. 6, cols. 2899, 2953. The message from the President and the accompanying papers, referred to him, are also given in American state papers. Foreign relations, v. 1, p. 553-558. J33

648 **Wharton, Francis, ed.** A digest of the international law of the United States. 2d ed.

Washington: Government printing office, 1887. 3 v. 23½^{cm}.

Treaty with Algiers, v. 2, p. 79-80.

10-6949

JX237.W5 1887,v.2

1795—SPAIN

649 **Lyman, Theodore.** The diplomacy of the United States. Being an account of the foreign relations of the country, from the first treaty with France, in 1778, to the present time. 2d ed.—with additions.

Boston, Wells and Lilly, 1828. 2 v. 23^{cm}.

Treaty of 1795 with Spain: v. 1, p. 209-282.

4-20773

JX1412.L9 1828

- 650 **Madison**, James. Letters and other writings. Published by order of Congress. Vol. 2. 1794-1815.
Philadelphia: J. B. Lippincott & co., 1865. xxvii, (1), 617 p. 24^{cm}.
 Constitutionality of the Spanish treaty, etc. p. 73, 82, 85, 86-87, 94.
 6-24330 E302.M18,v.2
- 651 **U. S. 4th Cong.** The debates and proceedings in the Congress of the United States. [Comprising the period from December 7, 1795, to March 3, 1797, inclusive.]
Washington: Gales and Seaton, 1849. 2 v. 26^{cm}. (*Annals of Congress*, v. 5, 6.)
 Act for making the Spanish treaty effective, Annals, v. 5, cols. 73, 74, 80, 821, 940, 951, 976, 1025, 1094-1095, 1299; Documents, etc., relative to the treaty, v. 6, cols. 2524-2560; Copy of the treaty, v. 6, cols. 2561-2568; Text of the act of appropriation, v. 6, col. 2899.
 J11.A5,v.5,6
- 652 ——— *4th Cong., 1st sess.* The debates and proceedings in the Congress of the United States. [Comprising the period from December 7, 1795, to March 3, 1797, inclusive.]
Washington: Gales and Seaton, 1849. 2 v. 26^{cm}. (*Annals of Congress*, v. 5, 6.)
 Appropriation to carry the treaty with Algiers into effect, Annals, v. 5, cols. 80, 784-785, 940-969, 975-976, 1140; v. 6, cols. 1570-1571.
 J11.A5,v.5,6
 1803—FRANCE (TREATY OF PARIS)
- 653 **Adams**, Henry. History of the United States of America, during the first administration of Thomas Jefferson.
New York, C. Scribner's sons, 1889. 2 v. double maps. 19^{cm}. [*His History of the United States of America*. v. 1-2]
 The Louisiana treaty: v. 2, p. 25-115.
 7-32890 E301.A21
- 654 **Barbé-Marbois**, François, marquis de. The history of Louisiana, particularly of the cession of that colony to the United States of America; with an introductory essay on the Constitution and government of the United States. Tr. from the French by an American citizen.
Philadelphia, Carey & Lea, 1830. xviii p., 1 l., [17]-455, [1] p. 22¹/₂^{cm}.
 W. B. Lawrence, translator.
 Constitutional considerations: p. 322-325.
 "The President, with the advice and consent of the Senate, concludes treaties which are declared by the constitution to

be the supreme law of the land; but where an appropriation of money is required, it is necessary to pass an act of Congress, in which the House of Representatives must of course concur. In such cases, however, it has been supposed that the national faith is pledged to enact the laws proper to carry the treaties into effect."—*Translator's note*, p. 325.

1-8732

F369.B24

655 Cession of Louisiana. The various legislative acts to complete the cession of Louisiana occasioned debates in which the treaty making power was discussed. A resolution was introduced in the House of Representatives, Jan. 4, 1803, asking for "copies of such official documents as have been received by this Government," and was discussed by John Randolph, Roger Griswold, Calvin Goddard, Samuel W. Dana, Benjamin Huger.

(In U. S. Annals of Congress (Gales & Seaton), v. 12, col. 312, 314-324, 325-338, 352-368.)

J11.A5,v.12

656 —— A resolution was introduced in the House of Representatives, Oct. 24, 1803, asking for "a copy of the treaty between the French Republic and Spain," with copies of such other documents, tending to ascertain whether, the United States have acquired any title to the province of Louisiana. This was discussed by Roger Griswold, John Randolph, Calvin Goddard, John Smilie, Joseph H. Nicholson, & Samuel L. Mitchell.

(In U. S. Annals of Congress, (Gales & Seaton), v. 13 col. 385-419.)

J11.A5,v.13

657 —— The bill for carrying into effect the treaty by appropriation of thirteen millions was discussed in the House, Oct. 1803, by John Randolph, Roger Griswold, Samuel D. Purviance, James Elliot, Samuel Thatcher, Caesar A. Rodney, Samuel L. Mitchell, and Joseph H. Nicholson.

(In U. S. Annals of Congress, (Gales & Seaton), v. 13, col. 482-489, 497-515, 545-549.)

J11.A5,v.13

658 —— The bill passed by the House, Oct. 26, 1803, appropriating \$13,000,000 for the purpose of carrying into effect the Louisiana treaty, was discussed in the Senate, Nov. 1803, by Samuel White, William Hill Wells, George Jackson, Robert Wright, Timothy Pickering, Jonathan Dayton, John Taylor, Uriah Tracy, John Breckenridge, Wilson Carey Nicholas, and William Cocke.

(In U. S. Annals of Congress, (Gales & Seaton), v. 13, col. 35-74.)

J11.A5,v.13

- 659 **Cooley**, Thomas McIntyre. The acquisition of Louisiana.
Indianapolis, The Bowen-Merrill company, 1887. [63]-93
 p. 24 $\frac{1}{2}$ ^{cm}. (*Indiana historical society. Publications. vol. II, no 3*)
 An address delivered before the Indiana historical society,
 February 16, 1887. Originally issued as no. 3 of the Indiana
 historical society pamphlets.
 5-5635 F521.I41
- 660 **Edwards**, P. L. Congress and the Constitution. Precedent of
 the Louisiana purchase.
Albany law journal, Apr. 1902, v. 64: 112-124.
- 661 **Elliot**, Jonathan. The debates in the several state conventions,
 on the adoption of the Federal Constitution, as recommended
 by the general convention at Philadelphia, in 1787. Vol. 4, 2d ed., with considerable additions.
Washington: Printed for the editor, 1836. xii, 639p. 24 $\frac{1}{2}$ ^{cm}.
 "Louisiana treaty," p. 448-451. Discussions in the House
 of Representatives.
 JK141 1836,v.4
- 662 **Jefferson**, Thomas. The writings of Thomas Jefferson: . . .
 With explanatory notes, . . . by the ed. H. A. Washington.
 [V. 4, 8.]
Washington, Taylor & Maury, 1854. 2 v. 23 $\frac{1}{2}$ ^{cm}.
 Constitutionality of the acquisition of Louisiana, discussed
 in letters to Breckinridge, Madison, Lincoln, and Nicholas,
 v. 4, p. 498-507. Appended to the letter to Madison (Aug.
 25, 1803) is a proposed amendment to the Constitution for
 the acquisition of Louisiana and Florida. Cession of
 Louisiana discussed in Jefferson's third annual message,
 v. 8, p. 24.
 6-7150 E302.J464,v.4,8
- 663 ——— The writings of Thomas Jefferson collected and ed. by
 Paul Leicester Ford. Vol. 8, 1801-1806.
*New York, London, G. P. Putnam's sons, 1897. xxiv, 504
 p. 23 $\frac{1}{2}$ ^{cm}.*
 Letter to John Dickinson, Aug. 9, 1803, touching on the constitutional difficulties in the way of the acquisition of Louisiana, p. 261-263. Acquisition discussed in Jefferson's third annual message, p. 268-269.
 2-5666 E302.J466,v.8
- 664 ——— [Letter] to Gallatin. Aug. 23, 1803.
 (*In The writings of Albert Gallatin, ed. by Henry Adams, v. 1, p. 144-145. Philadelphia, 1879. 25 $\frac{1}{2}$ ^{cm}.*)
 Gives proposed amendments to the Constitution for the acquisition of Louisiana and Florida.
 E338.G16,v.1

- 665 **Lyman**, Theodore. The diplomacy of the United States. Being an account of the foreign relations of the country from the first treaty with France, in 1778, to the present time. 2d ed. with additions.

Boston: Wells and Lilly, 1828. 2 v. 23cm.

Cession of Louisiana, v. 1, p. 367-405; Claim under eighth article of treaty of Louisiana, v. 2, p. 177-190.

JK1412.L9 1828

- 666 **McMaster**, John Bach. A history of the people of the United States, from the Revolution to the Civil War. Vol. III.

New York: D. Appleton and company, 1892. (2), xvii, (1), 584 p. 22 $\frac{1}{2}$ cm.

Jefferson's proposals to amend the Constitution regarding Louisiana, p. 1-3; Debate on right to call for treaty papers, p. 3-6; Arguments by Griswold against the constitutionality of the treaty with France, p. 6-8; Pickering's "partnership" theory, p. 8-9; Constitutional principles settled, p. 9.

E301.M16,v.3

- 667 **Meier**, Ernst. Über den Abschluss von Staatsverträgen.

Leipzig, Duncker & Humblot, 1874. xiii, 368 p. 23cm.

Der Vertrag mit Frankreich über die Abtretung von Louisiana von 30 April 1803: p. 178.

2-18652

JX4171.T5M4

- 668 **Miller**, Samuel Freeman. Lectures on the Constitution of the United States.

New York and Albany: Banks and brothers, 1893. xxi, 765 p. 24cm.

"The acquisition of Louisiana," p. 128-132.

2-19694

JK241.M66

- 669 **Nicholas**, W. C. Letter to Jefferson. Warren, Sept. 3, 1803.

On the power of the Government to acquire territory and admit new states. 4 p. 4°.

Ms. Department of State. Series 2, v. 63, no. 47.

- 670 **Schouler**, James. History of the United States of America, under the Constitution. Rev. ed. Vol. 2. 1801-1817.

New York, Dodd, Mead & company, [1894] xvii, (1), 527 p. 21 $\frac{1}{2}$ cm.

"The Louisiana purchase," p. 49-59.

E301.S372,v.2

- 671 **Sparks**, Jared. The life of Gouverneur Morris, with selections from his correspondence and miscellaneous papers . . .

Boston: Gray & Bowen, 1832. 3 v. 23cm.

Morris on the acquisition of Louisiana, v. 3, p. 183, 185, 203.

E302.6.M7S7

672 Story, Joseph. *Commentaries on the Constitution of the United States—with a preliminary review of the constitutional history of the colonies and states before the adoption of the Constitution.* 5th ed., by Melville M. Bigelow.

Boston, Little, Brown, and company, 1905, 1891. 2 v.
24^{cm}.

Purchase of Louisiana, v. 1, p. 17, 386; v. 2, p. 172-175,
199-200.

8-27554

JK211.S72

673 U. S. *Congress.* *Abridgment of the Debates of Congress, from 1789 to 1856 . . . [Thomas Hart Benton]*

New York, D. Appleton and company, 1857-61. 16v. 26^{cm}.

Louisiana treaty in the Senate: v. 3, p. 9-20; in the House:
p. 52-57, 61-72.

15-S704

J15.B4,v.8

674 —— *8th Cong.* The debates and proceedings in the Congress of the United States. October 17, 1803, to March 3, 1805, inclusive.

Washington: Gales and Seaton, 1852. 26^{cm}. (*Annals of Congress, v. 13.*)

The Louisiana treaty, in the Senate, cols. 81-73, 105-106, 213;
In the House, cols. 3S2-420, 432-489, 497-515, 545-550. Constitutional principles involved are considered in the general range of the discussion.

J11.A5,v.13

675 —— *8th Cong., 1st sess.* Message, transmitting conventions with France for the cession of Louisiana, and the liquidation of certain claims of American citizens; together with documents connected therewith. Oct. 21, 1803.

(*In American state papers. Foreign relations, v. 2, p. 506-583.*
Washington, 1832. F°.)

J33

676 —— *Dept of state.* State papers and correspondence bearing upon the purchase of the territory of Louisiana.

Washington, Govt. print. off., 1903. 299 p. 23^{cm}. (57th
Cong., 2d sess. House. Doc. no. 431)

8-15294

E333.U55

677 —— *Treaties, etc., 1801-1809 (Jefferson).* Message from the President of the United States, inclosing a treaty and conventions, entered into and ratified by the United States of America and the French republic, relative to the cession of Louisiana. 22d October, 1803. Read and referred to a committee of the whole House on Monday next.

[*Washington, 1803.*] 18 p. 22^{cm}.

11-27276

E333.U563

678 U. S. *Treaties, etc., 1801-1809 (Jefferson)*. Treaty and conventions, entered into and ratified by the United States of America and the French republic relative to the cession of Louisiana.

[*Washington? 1803*] 16 p. 21 $\frac{1}{2}$ ^{cm}.

5-4559

E333.U56

679 Webster, Sidney. Two treaties of Paris and the Supreme court.

New York and London, Harper & brother, 1901. 2 p. l., 132,
[1] p. 19 $\frac{1}{2}$ ^{cm}.

1-26558

JV568.1901.W4

1815—GREAT BRITAIN

680 Calhoun, John C. Speech on the bill to regulate the commerce between the United States and Great Britain, according to the convention of the 3d of July, 1815; delivered in the House of Representatives, January 9th, 1816.

(*In his Works*, v. 2, p. 128-135. New York, 1856. 28^{cm}.)

E337.8.C136,v.2

An argument as to the limits of the treaty-making power.

"Whatever, then, concerns our foreign relations; whatever requires the consent of another nation, belongs to the treaty-making power, and can only be regulated by it; and it is competent to regulate all such subjects, provided [and here are its true limits] such regulations are not inconsistent with the constitution. If so, they are void. No treaty can alter the fabric of our government, nor can it do that which the constitution has expressly forbidden to be done; nor can it do that differently which is directed to be done in a given mode—all other modes being prohibited." . . . p. 132-133.

681 Elliot, Jonathan. The debates in the several state conventions, on the adoption of the Federal Constitution, as recommended by the general convention at Philadelphia, in 1787. Vol. 4, 2d ed., with considerable additions.

Washington: Printed for the editor, 1836. xii, 639 p. 24^{cm}.

"On the commercial treaty with Great Britain," p. 462-467.
Discussions in the House of Representatives.

JK141 1836,v.4

682 Lyman, Theodore. The diplomacy of the United States. Being an account of the foreign relations of the country from the first treaty with France, in 1778, to the present time. 2d ed. with additions.

Boston: Wells and Lilly, 1828. 2 v. 23^{cm}.

Commercial convention of 1815 with Great Britain, v. 2, p. 59-75.

4-20773

JX1412.L9 1828

683 Meier, Ernst. Über den Abschluss von Staatsverträgen.
Leipzig, Duncker & Humblot, 1874. *xiii, 368 p.* *23^{cm}.*

See p. 179-180.

2-18652

JX4171.T5M4

684 Pinkney, William. Speech . . . on the treaty-making power, delivered in the House of Representatives of the United States, January 10, 1816.

(In American oratory, p. 303-319. Philadelphia, 1836. 8°.)

685 ——— *Same.*

(In Wheaton, Henry. Some account of the life, writings, and speeches of William Pinkney, p. 517-549. New York, 1826. 21½^{cm}.)

On the British convention of 1815.

E302.P65

686 ——— *Same.*

(In Pinkney, William. The life of William Pinkney, by his nephew, p. 337-361. New York, 1853. 23½^{cm}.)

E302.6.P6P6

687 U. S. *Congress.* Abridgment of the Debates of Congress, from 1789 to 1856. By [Thomas Hart Benton]
New York D. Appleton and company, 1857-61. *16 v.* *26^{cm}.*

Commerce with Great Britain.

Treaty-making power: v. 5, p. 446-460, 492-546.

15-8704

J15.B4,v.5

688 ——— *14th Cong., 1st sess.* The debates and proceedings in the Congress of the United States . . . Dec. 4, 1815, to April 30, 1816, inclusive.

Washington: Gales & Seaton, 1854. *26^{cm}.* (*Annals of Congress, v. 29.*)

J11.A5,v.29

Bill concerning the convention to regulate the commerce between the territories of the United States and His Britannic Majesty, reported in the Senate, cols. 36-37; passed, col. 40; in House, col. 546; Laid on the table, col. 608; Twice read and referred to a committee of the whole, cols. 719-720; Passed by the House with amendments, col. 898; Returned to Senate from House, with amendments, and referred, col. 126; Senate disagrees to amendments, cols. 130-131; Conference asked and agreed upon, cols. 134, 136, 960, 979; Reports of Senate managers, cols. 160-161; Report of House managers, cols. 1018-1023; House recedes, cols. 1057-1058. House bill to regulate commerce, twice read, cols. 419-420; Discussed by House and laid on the table, col. 471; Ordered to a third reading, col. 545; Read a third time and passed, col. 674; in Senate, cols. 43, 44, 45, 46-89; Fails of a third reading, col. 89; Message to House, col. 719.

Message from the President transmitting proclamation, cols. 29, 402. Copy of the British convention, together with papers and documents, cols. 1477-1506. Discussion of treaty-making power, etc., in Senate, by Mr. James Barbour, cols. 46-57; by Fromentin, cols. 57-65; by Mr. Roberts, cols. 65-74; by Mr. Macon, cols. 74-79; by Mr. Campbell, cols. 79-89. Discussions in the House, by Mr. Forsyth, cols. 478-479, 593-594, 605, 652-671; by Mr. Philip P. Barbour, cols. 478-482; by Mr. Gold, cols. 482-485, 594; by Mr. Hopkinson, cols. 485-489, 639-651; by Mr. Gaston, cols. 489-492; by Mr. Throop, cols. 492-494; by Mr. Gholson, cols. 522-525; by Mr. Calhoun, cols. 526-533, 605; by Mr. Randolph, cols. 533-538, 579-590, 591; by Mr. King, cols. 538-539; by Mr. Mills, cols. 539-542; by Mr. Reynolds, cols. 542-543; by Mr. Hardin, cols. 543-545; by Mr. Easton, cols. 546-554; by Mr. Cuthbert, cols. 554-557; by Mr. Tucker, cols. 557-564; by Mr. Pinkney, cols. 564-579, 590-591; by Mr. Pickering, cols. 594-595, 612-616; by Mr. Root, col. 595; by Mr. Robertson, cols. 595-599; by Mr. Wright, cols. 599-604; by Mr. Lowndes, cols. 604-605; by Mr. Hanson, cols. 605-608; by Mr. Stanford, cols. 608-611; by Mr. Taylor, cols. 616-623; by Mr. Wilde, cols. 623-631; by Mr. Sheffey, cols. 631-639; by Mr. Huger, cols. 672-674; by Mr. Lyon, cols. 884-897.

689 U. S. *14th Cong., 1st sess.* Report from the conferees of the Senate, upon the bill entitled "An act concerning the convention to regulate the commerce between the territories of the United States and his Britannic majesty. February 27, 1816. 3 p. 8°. (14th Cong., 1st sess. Ex. doc. no. 54.)

"The conferees of the Senate did not contest, but admitted the doctrine, that of treaties made in pursuance of the Constitution, some may not, and that others may call for legislative provisions to secure their execution, which provision Congress, in all such cases, is bound to make. But they did contend that the convention under consideration requires no such legislative provisions, because it does no more than suspend the alien disability of British subjects in commercial affairs, in return for the like suspension in favour of American citizens; that such matter of alien disability falls within the peculiar province of the treaty-power to adjust; that it cannot be securely adjusted in any other way, and that a treaty duly made, and adjusting the same, is conclusive, and by its own authority suspends or removes antecedent laws that are contrary to its provisions." Report presented by Rufus King.

690 ————— Report of the committee appointed on the part of the House of Representatives to confer with the committee on the part of the Senate, on the disagreeing votes

of the two Houses, upon the bill, concerning the convention to regulate the commerce between the Territories of the United States, and his Britannic majesty. February 19, 1816. 9 p. 8°. (14th Cong., 1st sess. Ex. doc. no. 52.)

"They are persuaded, that the House of Representatives does not assert, the pretension that *no* treaty can be made without their assent; nor do they contend that in *all* cases legislative aid is indispensably necessary, either to give validity to a treaty, or to carry it into execution. On the contrary, they are believed to admit, that to *some*, nay many treaties, *no* legislative sanction is required, no legislative aid is necessary. . . . "For if, as has been stated, the House of Representatives contend that their aid is *only in some* cases necessary, and if the Senate admit that in *some* cases it is necessary, the inference is irresistible, that the only question in each case that presents itself, is whether it be *one* of the cases in which legislative provision is requisite for preserving the national faith, or not."

Report presented by John Forsyth.

1817—GREAT BRITAIN

- 691 **Boutell**, Henry Sherman. Is the Rush-Bagot convention immortal?

North American review, Sept. 1901, v. 173: 331-348.

AP2.N7,v.173

- 692 ——— [Naval armament upon the Great Lakes. Remarks in the House of Representatives, Jan. 24, 1901]

(In Congressional record, 56th Cong., 2d sess., v. 34, pt. 2, Jan. 24, 1901, p. 1392-1408.)

J11.R5,v.34,pt.2

Pp. 1393-1408 contain Senate ex. doc. no. 9, 52d Cong., 2d sess.

Serial no. 3055

- 693 **Callahan**, James Morton. The neutrality of the American lakes and Anglo-American relations.

Baltimore, The Johns Hopkins press, 1898. 199 p. 24cm.

(*Johns Hopkins university studies in historical and political science . . . series xvi*, no. 1-4)

Agreement of 1817: p. 59-90.

H31.J6

1-10120

JX1423.C3

- 694 ——— The northern lake frontier during the civil war.

(In *American historical association. Annual report for the year 1896*, v. 1, p. 335-359. Washington, 1897. 8°.)

Substantially reproduced in the author's work, "The neutrality of the American lakes and Anglo-American relations," 1898.

E172.A60 1896,v.1

695 [Foster, John Watson] Limitation of armament on the Great Lakes.

Washington, D. C., The Endowment, 1914. 1 p. l., vii, 57 p. 24^{1/2}cm. (Carnegie endowment for international peace. Division of international law. Pamphlet no. 2)

"Report of the Honorable John W. Foster, secretary of state, in response to Senate resolution of April 11, 1892, relative to the agreement [April 28-29, 1817] between the United States and Great Britain concerning the naval forces to be maintained on the Great Lakes."

"Transmitted to the Senate, Dec. 7, 1892, by President Harrison, and printed in Sen. Ex. doc., no. 9, 52d Cong., 2d sess."

14-20283

JX1906.A3 no.2

JX1423.F7

696 Hunt, Harry E. Attacking the Rush-Bagot treaty.

Independent, Apr. 28, 1910, v. 68: 911-913.

AP2.I53,v.68

697 Levermore, Charles Herbert. The Anglo-American agreement of 1817 for disarmament on the Great Lakes.

Boston, World peace foundation, 1914. 28 p. 20^{1/2}cm. (World peace foundation. Pamphlet series . . . vol. iv, no. 4)

14-17747

JX1908.U5 vol.4,no.4

698 Mann, James R. [Naval armament upon the Great Lakes. Remarks in the House of Representatives, Jan. 24, 1901.]

(In Congressional record, 56th Cong., 2d sess., v. 34, pt. 2, p. 1392.)

J11.R5,v.34,pt.2

699 Scammell, E. H. The Rush-Bagot agreement of 1817.

Ontario historical society. Papers, 1915, v. 13: 58-66.

F1056.058,v.13

700 Smith, William Alden. [Naval armament upon the Great Lakes. Remarks in the House of Representatives. Jan. 24, 1901.]

(In Congressional record, 56th Cong. 2d sess. v. 34, pt. 2, p. 1391-1392.)

J11.R5,v.34,pt.2

701 Sumner, Charles. Termination of treaties by notice. Remarks in the Senate, on a joint resolution to terminate the treaty of 1817 regulating the naval force on the Lakes, January 18, 1865.

(In his Works, vol. 9. p. 201-205, Boston, 1874. 8°)

E415.6.S93,v.9

702 U. S. 15th Cong., 1st sess. Great Britain—Naval armament on the lakes. Communicated to the Senate, April 6, 1818. [Message from President Monroe, with accompanying papers.]

(In American state papers. Foreign relations, v. 4, p. 202-207. Washington, 1834. F°.)

Comprises, besides the President's message, the correspondence between the United States and Great Britain with respect to the naval armament of the two governments on the lakes, and the stipulations agreed upon by the two parties.

J33

703 ——— 38th Cong., 1st sess. The Congressional Globe.

Washington: Congressional Globe office, 1864. 4 pts. 4°.

House joint resolution no. 91 "in relation to the treaty of 1817," introduced in House, p. 2909, and passed by that body, p. 3084; Received in the Senate, p. 3086, and referred to the committee on foreign relations, p. 3088.

Subject of naval force on the lakes discussed in connection with the proposed abrogation of the Canadian reciprocity treaty, pp. 2481-2483.

704 ——— 38th Cong., 2d sess. The Congressional Globe.

Washington: The Congressional Globe office, 1865. 2 pts. 4°.

Senate resolution calling for information on the arrangement relating to the naval force on the lakes, p. 44; House joint resolution no. 91 reported in the Senate, with amendment, p. 292; Discussed by Messrs. Davis, Sumner, Johnson, Wilson, Saulsbury, Farwell, p. 311-315; Passed, p. 315; Received in House, from Senate, p. 337; Referred to committee on foreign affairs, p. 348; House concurs in Senate amendment, p. 596; Resolution signed by the President, p. 688. The text of the resolution is given in United States Statutes at Large, v. 13, p. 568.

705 ——— Dept. of state. Message from the President of the United States, communicating, in answer to a resolution of the Senate of the 15th of December, 1864, a report from the secretary of state, relative to an arrangement between the United States and Great Britain, relating to the naval force to be maintained upon the American lakes. Jan. 9, 1865.

[Washington, 1865.] 1 p. 23cm. (38th Cong., 2d sess. Senate. Ex. doc. no. 6.) Serial no. 1209

Makes reference to American State Papers, Foreign relations, v. 4, p. 202-207.

706 U. S. *Dept. of state.* Message from the President of the United States, in response to Senate resolution of April 11, 1892, relative to the agreement between the United States and Great Britain concerning the naval forces to be maintained on the great lakes. Dec. 7, 1892.

[*Washington, 1892*]. 59 p. 23cm. (52d Cong., 2d sess. Senate. Ex. doc. no. 9.) Serial no. 3055

Known as Adee's report.

A report by the Secretary of State, John W. Foster, on the Senate resolution "that the Secretary of State be, and he is hereby, directed to inform the Senate whether the agreement entered into between the United States and Great Britain in the year eighteen hundred and seventeen, covering the question of the naval force to be maintained by the two governments on the Great Lakes of the United States, is now held to be in force by the Department of State, and what, if any, action has been taken by our Government to revive or put in force the terms of said agreement, and if so, under what authority or action on the part of our Government such agreement has been held to be in force since the giving of the required formal notice by the President to Great Britain in December, eighteen hundred and sixty-four, of a desire on the part of the United States to annul said agreement at the expiration of the six months from the date of said formal notice, and the ratification of said notice by the act of Congress of February ninth, eighteen hundred and sixty-five."

Gives a history of the agreement of 1817 from the outset, and of the circumstances which prompted the steps in 1865 to terminate it and afterwards to withdraw the notice of termination. Papers and correspondence on the subject are appended, including the note of Mr. Seward, dated Aug. 5, 1864, in reply to Lord Lyons, on the motion in Congress to abrogate the arrangement of 1817.

707 ————— Papers relating to foreign affairs, [1864, pt. 2; 1865, pts. 1 and 2.]

Washington: Government printing office, 1865-1866. 3 v. 23cm.

Also appear as House ex. doc. no. 1, pt. 2. 38th Cong., 2d sess., House ex. doc. no. 1, pts. 1, 2, 39th Cong., 1st sess.

Correspondence relating to armed vessels on the great lakes, 1864, pt. 2, p. 329, 338, 340, 343, 344, 595, 668, 715, 716, 717, 729, 739; 1865, pt. 1, p. 5, 164, 184, 197; 1865, pt. 2, p. 17, 18, 43, 174, 175, 192, 195, 196. Arrangement of 1817 remains in force, 1865, pt. 2, p. 192.

For note of Mr. Seward, dated Aug. 5, 1864, in reply to Lord Lyons, on the motion in Congress to abrogate the arrangement of 1817, see Senate ex. doc. no. 9, 52d Cong., 2d sess., p. 43.

708 U. S. Navy dept. War steamers—Northwestern lakes. Letter from the secretary of the navy, transmitting the information required by the resolution of the 12th instant, in relation to the construction of steamers or other vessels for the defence of the northwestern lakes. April 20, 1842.

[*Washington, 1842.*] 2 p. 23^{cm}. (27th Cong., 2d sess.
House Ex. doc. no. 199.) Serial no. 404

Reports that communications of value, though not entirely conclusive, have been received on the construction of steamers on the northwestern lakes, under the appropriation of Sept. 9, 1841.

709 — President. Message of the President of the United States at the commencement of the first session, of the fifteenth congress. Communicated to Congress, December 2, 1817.

(In American state papers. Foreign relations, v. 4, p. 129-132. Washington, 1834. F°.)

Notes, among other things, the conclusion of the arrangement for the reduction of the naval forces on the lakes, and gives provisions of the arrangement.

J33

710 — — — Message from the President of the United States, in compliance with a resolution of the Senate in relation to the military and naval preparations of the British authorities on the northern frontier of the United States. June 29, 1840.

[*Washington, 1840.*] 4 p. 23^{cm}. (26th Cong., 1st sess.
Senate Doc. no. 592.) Serial no 361

See also House ex. doc. no. 245, 26th Cong., 1st sess.

Serial no 369

711 — — — British naval armament on the lakes. Message from the President of the United States, transmitting the information required by the resolution of the House of Representatives of the 9th instant, relative to the present British naval armament on the lakes, &c, &c. March 28, 1840.

[*Washington, 1840.*] 4 p. 23^{cm}. (26th Cong., 1st sess.
House Ex. doc. no. 245.) Serial no. 366

The resolution of the House requested the President to communicate to that body "if compatible with the public service, whether the Government of Great Britain had expressed to the Government of the United States a desire to annul the arrangement entered into between the two Gov-

ernments, in the month of April, 1817, respecting the naval force to be maintained upon the American lakes; and, if said arrangement be not annulled, whether there has been any violation of the same by the authorities of Great Britain."

- 712 U. S.** *President.* Military preparation—Northeastern frontier. Message from the President of the United States, transmitting the information required by the resolution of the House of Representatives of the United States of the 6th of April last, respecting the military preparation of Great Britain on the northern and northeastern frontier of the United States, &c. June 29, 1840.

[*Washington, 1840.*] 4 p. 23cm. (26th Cong., 1st sess.
House Ex. doc. no. 245.) Serial no. 369

Also notes the naval armaments on the Great Lakes. (See Senate doc. no. 592, 26th Cong., 1st sess.)

- 713** ————— Naval force on the lakes. Message from the President of the United States, in reply to the resolution of the House of Representatives of the 9th of March last, respecting the arrangement entered into with the government of Great Britain upon the subject of the naval force to be maintained upon the American lakes, &c. June 29, 1840.

[*Washington, 1840.*] 3 p. 23cm. (26th Cong., 1st sess.
House Ex. doc. no. 246.) Serial no. 369

Contains the report of the major general commanding the army, giving the replies of several officers who had been written to on the subject.

- 714** ————— Message to the two houses of Congress at the commencement of the second session of the thirty-eighth Congress. Dec. 6, 1864.

(In U. S. 38th Cong., 2d sess. House. Ex. doc. no. 1, pt. 1, p. 1-14) Serial no. 1216

. . . "it has been thought proper to give notice that after the expiration of six months, the period conditionally stipulated in the existing arrangement with Great Britain, the United States must hold themselves at liberty to increase their naval armament upon the lakes, if they shall find that proceeding necessary," p. 5.

- 715 Waultrin, René.** *États-Unis d'Amérique et Grande Bretagne—Le traité Rush-Bagot, (1817), concernant le nombre des bâtiments armés à entretenir sur les Grands-Lacs, et son application.*

Revue générale de droit international public, Sept.-Oct. 1911, v. 18: 583-586. JX3.R56,v.18

- 716 Wehberg, Hans. Les traités sur la limitation des armements.
Revue politique internationale, no. 29, October, 1917.
- Section I.—Grande Bretagne et Etats-Unis; Traité de Rush-Bagot, 28 avril 1827.
- 717 Wild, Robert. The Rush-Bagot convention.
(In State bar association of Wisconsin. Report, 1915. Milwaukee, 1916. 23 $\frac{1}{2}$ cm. p. 100-111.)
- 1818—GREAT BRITAIN
- 718 Anderson, Chandler P. The final outcome of the fisheries arbitration.
American journal of international law, Jan. 1913, v. 7: 1-16. JX1.A6,v.7
- 719 Hodgins, Thomas. The prerogative right of revoking treaty privileges to alien subjects.
Canadian law times, Feb. 1909, v. 29: 105-129.
- 720 ——— Same. 2d ed.
Toronto, The Carswell company, limited [etc.] 1909. 27 p. incl. map. 22 $\frac{1}{2}$ cm.
"From the Nineteenth century and after."
12-18177 JX238.N69 1909
Reviewed by Amos S. Hershey in *American journal of international law*, v. 4, 1910: 770.
- 721 McGrath, P. T. The Atlantic fisheries dispute.
American review of reviews, June, 1910, v. 41: 718-724. AP2.R4,v.41
- 722 ——— The Newfoundland fishery dispute.
North American review, Dec. 7, 1906, v. 183: 1134-1143. AP2.N7,v.183
- 723 Morine, Alfred B. Newfoundland and her fishing rights.
Canada law journal, Dec., 1906, v. 42: 737-741.
- On the dispute between Newfoundland, England and the United States as to fisheries under the treaty of 1818. Shows that Newfoundland places a narrow interpretation on the words of the treaty and holds that "the colonial government should maintain the spirit of Imperial promises even at great sacrifice."
- 724 ——— The Newfoundland fisheries' dispute.
Canadian law review, Nov. 1906, v. 5: 414-417.

725 U. S. *Congress. Senate. Committee on foreign relations.* Mr. Edmunds, . . . Report (executive no. 3) on the treaty (Ex. M.) between the United States and Great Britain, concerning the interpretation of the convention of October 20, 1818, signed at Washington, February 15, 1888; which together with the view of the minority on the same subject, submitted by Mr. Morgan, was ordered to be printed in confidence for the use of the Senate. May 7, 1888.

[*Washington, 1888.*] 165 p. 23^{cm}. (50th Cong. 1st sess. Senate. *Misc. doc. no. 109.*) Serial no. 2517

Incorporated is a protest (page 36) against the claim "that the Senate, without whose advice and consent no treaty can be concluded, has no right to be informed, confidentially, of the course of negotiations and discussions and the various propositions and arguments *pro* and *con* arising in the negotiation of a treaty." The minority discuss the objection (page 39) that the treaty of February 15, 1888 was "negotiated and signed by persons who were not duly empowered, under the Constitution and laws of the United States, to conduct and conclude a treaty," and with reference to the fact that two of the plenipotentiaries concerned had acted without a confirmation by the Senate, give, on pp. 110-134, "a statement of the persons employed by the United States, in conducting negotiations, since 1789," of whom "the whole number of persons appointed or recognized by the President, without the concurrence or advice of the Senate or the express authority of Congress, as agents to conduct negotiations and conclude treaties is four hundred and thirty-eight," (page 103)

1819—SPAIN

726 Clay, Henry. On the Spanish treaty. In the House of Representatives, April 3, 1820.

(*In his Speeches*, ed. by Calvin Colton, v. 1, p. 205-217. New York, 1857.)

"Has the House of Representatives a right to express its opinion upon the arrangement made in that treaty?" p. 211 *et seq.*

727 Onís, Luis de. Memoir upon the negotiations between Spain and the United States of America, which led to the treaty of 1819. With a statistical notice of that country. Accompanied with an appendix, containing important documents for the better illustration of the subject. Tr. from the Spanish, with notes, by Tobias Watkins.

Baltimore, F. Lucas, junr., 1821. 152 p. 20¹/₂^{cm}.

728 **Onís**, Luis de. Memoria sobre las negociaciones entre España y los Estados Unidos de América, que dieron motivo al tratado de 1819. Con una noticia sobre la estadística de aquel país. Acompaña un Apéndice, que contiene documentos importantes para mayor ilustración del asunto.

Madrid, Impr. de D. M. de Burgos, 1820. 2 v. fold. map.
27cm.

9-25896

F314.058

1826—DENMARK

729 [Cushing, Caleb.] Claim of the U. States on Denmark.

Boston monthly magazine, Jan., 1826, v. 1: p. 393-403.

AP2.B81,v.1

730 [McDermott, Hugh Farrar] Letters on the Sound-dues-question. I-VII.

New York, G. B. Teubner, printer, 1855. vi, 73, [1] p.
22 $\frac{1}{2}$ cm.

Signed: "Pax."

9-34980

HE386.S7M2

731 **Schuyler**, Eugene. American diplomacy and the furtherance of commerce.

New York, C. Scribner's sons, 1886. xiv, 469 p. 21 $\frac{1}{2}$ cm.

The Sound dues: p. 306-316.

10-16538

JX1407.S3

732 **Sumner**, Charles. The abrogation of treaties. Speeches in the Senate, March 6 and May 8, 1856.

(In his Works. v. 4, p. 98-120. Boston, 1871. 20 $\frac{1}{2}$ cm.)

E415.6.S93,v.4

Same.

(In Charles Sumner, His complete works, Statesman ed. v. 5, p. 98-120. Boston, 1900. 23cm.) E415.6.S95,v.5

On the abrogation of the Danish convention of April 26, 1826.

Maintains that the power of abrogation belongs to the law-making power and is to be exercised only by act of Congress.

733 **U. S.** 34th Cong. 1st and 2d sess. The Congressional Globe.

[vol. 32.]

Washington: Printed at the office of John C. Rives, 1856.
3 pts. 4°.

Resolution in the Senate relating to the sufficiency of the notice for the termination of the treaty with Denmark, of April 26, 1826, concerning the Danish Sound dues, p. 528, 599, 826, 1003, 1132, 1173, 1202, 1203, 1700. Remarks were made by Messrs. Bayard, Benjamin, Brodhead, Cass, Clayton, Collamer, Crittenden, Fessenden, Foot, Hale, Johnson, Jones of Iowa, Mallory, Mason, Seward, Stuart, Sumner, Toombs, Toucey, Wade, and Weller.

734 U. S. *Congress. Committee on foreign relations.* [Report . . . on the Senate resolution, "Resolved, That the Committee on Foreign Relations be directed to consider the expediency of some act of legislation, having the concurrence of both houses of Congress, by which the treaty with Denmark, regulating the payment of Sound dues, may be effectively abrogated, in conformity with the requirements of the Constitution, under which every treaty is a part of 'the supreme law of the land,' and in conformity with the practice of the government in such cases; and especially to consider whether there be any defect in the notice which has been given, which such legislation may be necessary to remedy."] April 7, 1856.

Senate. Report no. 97.)

Serial no. 836

"And whether it be competent, or not, to the President and Senate, as the treaty making power to abrogate treaties where no such right is reserved, (a question not necessary to be brought into discussion here,) the committee entertain no doubt that where the right to terminate a treaty at discretion is reserved in the treaty itself, such discretion resides in the President and Senate," p. 4.

The committee recommended the adoption of the following resolution: "Resolved, That the notice which has been given by the President to Denmark, pursuant to the resolution of the Senate of March 3, 1855, to terminate the treaty with that power of the 26th of April, in the year 1826, is sufficient to cause such treaty to terminate and be annulled to all intents whatsoever, pursuant to the eleventh article thereof; and that no other or further act of legislation is necessary, to put an end to said treaty, as part of the law of the land," p. 8.

735 —— *Dept. of state. Sound dues upon American commerce to the Baltic. Message from the President of the United States, transmitting correspondence in relation to the imposition of "Sound dues" upon our commerce to the Baltic.* June 13, 1854.

[*Washington, 1854.*] 61 p. 23cm. (33d Cong., 1st sess. House. Ex. doc. no. 108.) Serial no. 726

736 —— *Message of the President of the United States, transmitting a copy of a convention between the United States, and His Majesty the king of Denmark for the discontinuance of the Sound dues.* Jan. 14, 1858.

[*Washington, 1858.*] 3 p. 23cm. (35th Cong., 1st sess. Senate. Ex. doc. no. 28.) Serial no. 924

737 U. S. *Dept. of state.* Sound dues. Letter from the Secretary of state enclosing letters calling attention to the necessity of an appropriation to meet the interest on the sum stipulated to be paid to Denmark for the discontinuance of the Sound dues. Jan. 21, 1858.

[*Washington, 1858.*] 2 p. 23^{cm}. (35th Cong., 1st sess. House. Ex. doc. no. 36.) Serial no. 955

738 Webster, Daniel. Sound dues at Elsinore, and the German Zoll-Verein. Mr. Webster to the President of the United States. May 24, 1841.

(*In his Works*, v. 6, p. 406-414. Boston, 1854. 22^{1/2}^{cm}.)

E337.8.W24 1854,v.6

—. *Same.*

(*In his Writings and speeches*. National ed., v. 12, p. 80-88. Boston, 1903. 25^{cm}.) E337.8.W24 1903,v.12

Briefly states the history and facts relating to the sound dues at Elsinore in order that, if it be deemed expedient, "instructions may be given to the representative of the United States at Denmark, to enter into friendly negotiations with that government, with a view of securing to the commerce of the United States a full participation."

1831—FRANCE

739 The Annual register, or a view of the history, politics, and literature, of the year 1834.

London, Printed for Baldwin and Cradock, 1835. viii, 471, (1), 400, 14 p. 23cm.

Bill for satisfying the claims of the United States against France rejected by the Chamber of Deputies, pt. 1, p. 357-361. D2.A7 1834

740 Everett, Edward. Remarks on the French question, in the House of representatives . . . on the 7th of February and 2d of March, 1835. With the reports of the majority and minority of the Committee of foreign affairs, on the same subject.

Boston, Nathan Hale, 1835. 31 p. 24cm.

10-16829

JX238.F75 1835g

741 Meier, Ernst. Über den Abschluss von Staatsverträgen.

Leipzig, Duncker & Humblot, 1874. viii, 368 p. 23cm.

See p. 179-180.

2-18652

JX4171.T5M4

742 Treaties in the House.

*Nation, Dec. 18, 1884, v. 39: 516-517.***AP2.N2,v.39**

Includes citation from a letter by Wheaton on the French treaty.

- 743 U. S. Congress. Report of the commissioners under the act to carry into effect the late treaty with France, with a statement of the claims examined by them. June 7, 1834. [Washington, 1834.] 91 p. 23^{cm}. 23d Cong., 1st sess. Senate. Doc. 417.) Serial no. 242

- 744 —— 23d Cong., 2d sess. Register of debates in Congress. Vol. II.

Washington: Gales and Seaton, 1835. 2 pts. 4°.

Relations with France discussed in the Senate, cols. 45, 104-108.

Discussed in the House, cols. 763-778, 795-796, 1129, 1515-1524, 1531-1565, 1570-1634, Remarks by Mr. Clayton, cols. 764-769, 775-776, 1595-1599; Mr. Claiborne, cols. 769-771; Mr. Wayne, cols. 772-774; Mr. Archer, cols. 774-775, 1537-1545; Mr. R. M. Johnson, cols. 776-777; Mr. J. Q. Adams, cols. 1532-1537, 1622-1630; Mr. Pickens, cols. 1545-1554; Mr. Bouldin, cols. 1554-1558; Mr. Cambreleng, cols. 1531-1532, 1558-1561; Mr. Burges, cols. 1561-1562; Mr. Coulter, cols. 1562-1565; Mr. E. Everett, cols. 1571-1577; Mr. Allen, cols. 1577-1590; Mr. Love, col. 1590; Mr. Moore, cols. 1590-1594; Mr. Sutherland, cols. 1594-1595; Mr. Robertson, cols. 1600-1606; Mr. Binney, cols. 1606-1615; Mr. Schley, cols. 1615-1617; Mr. Watmough, cols. 1618-1619; Mr. Beardsley, cols. 1620-1621; Mr. Hardin, cols. 1630-1631; Mr. Chilton, cols. 1631-1632.

The resolutions adopted by the House (see cols. 1633-1634) read as follows:

“Resolved, That, in the opinion of this House, the treaty of the 4th of July, 1831, should be maintained, and its execution insisted on.

“Resolved, That the Committee on Foreign Affairs be discharged from the further consideration of so much of the President’s message as relates to commercial restrictions, or to reprisals on the commerce of France.

“Resolved, That preparation ought to be made to meet any emergency growing out of our relations with France.”

Papers, documents and correspondence on relations with France are given in the Appendix, (in pt. 2) p. 2-5, 108-144, 164-169, 177-185, 208-219, 271-277.

- 745 —— Congress. House. Committee on foreign affairs. Relations with France. Report [from] the Committee on foreign affairs, to which was referred so much of the President’s message as concerns our political relations

with France, and the correspondence between the ministers of the two governments. Feb. 27, 1835.

[*Washington, 1835.*] 21 p. 23^{cm}. (23d Cong., 2d sess.
House Rept. no. 133.) Serial no. 276

Includes resolutions submitted to the House by the majority of the Committee, views of the minority of the committee, and resolutions offered by Mr. Adams as follows:

1. "Resolved, That the rights of the citizens of the United States to indemnity from the Government of France, stipulated by the treaty concluded at Paris on the 4th of July, 1831, ought, in no event, to be sacrificed, abandoned, or impaired, by any consent or acquiescence of the Government of the United States.
2. "Resolved, That if it be, in the opinion of the President of the United States, compatible with the honor and interest of the United States, during the interval, until the next session of Congress, to resume the negotiations between the United States and France, he be requested so to do.
3. "Resolved, That no legislative measure of a hostile character or tendency towards the French nation is necessary or expedient at this time."

746 —— *Senate. Committee on foreign relations.* Report [by Mr. Clay] from the committee on foreign relations, March 3, 1835.

[*Washington, 1835.*] 4 p. 23^{cm}. (23d Cong., 2d sess. Senate. Doc. no. 150.) Serial no. 269

On the President's message of Feb. 25, 1835.

747 —— *Dept. of state.* Relations with France. Message from the President of the United States, transmitting copies of letters received from Mr. Livingston since the date of his message of the 6th instant, with his instructions and correspondence with the French government. Feb. 25, 1835.

[*Washington, 1835.*] 14 p. 23^{cm}. (23d Cong., 2d sess. House Ex. doc. no. 174.) Serial no. 274

Also printed as Senate doc. no. 145, 23d Cong., 2d sess.

Serial no. 269

748 —— Message from the President of the United States, in compliance with a resolution of the Senate, transmitting certain documents relating to the state of affairs with France. Feb. 15, 1836.

[*Washington, 1836.*] 89 p. 23^{cm}. (24th Cong., 1st sess. Senate. Doc. no. 161.) Serial no. 289

Discussion in the Chamber of Peers respecting the convention of 1831, p. 4-26.

- 749 U. S. *Dept of state.* Relations with France, and duties on silks and wines. Message from the President of the United States, transmitting reports from the secretary of state, secretary of the treasury; the former relating to the relations with France, and the latter to duties on wines and silks imported since 4th July, 1831. Feb. 18, 1836.
 [Washington, 1836.] 121 p. 23^{cm}. (24th Cong., 1st sess. House Ex. doc. no. 117.) Serial no. 289

- 750 ————— President. Message from the President of the United States, to the two houses of Congress, at the commencement of the second session of the twenty-third Congress. Dec. 2, 1834.

[Washington, 1834.] 543 p. Fold. diagr. 23^{cm}. (23d Cong., 2d sess. House Ex. doc. no. 2.) Serial no. 286

Affairs with France, p. 6-12.

Appended (p. 393-543) is a translation from the Paris Moniteur, by order of the Secretary of State of the United States, of the "Proceedings and discussions in the French Chamber of Deputies, on the subject of the treaty between France and the United States, which was signed at Paris on the 4th of July, 1831, and the ratifications of which were exchanged at Washington on the 2d of February, 1832; from the first presentation of the treaty, on the 6th of April, 1833, to the refusal to carry it into effect on the 2d of April, 1834."

- 751 ————— French treaty. Message from the President of the United States, in relation to the late treaty with France. Feb. 6, 1835.

[Washington, 1835.] 5 p. 23^{cm}. (23d Cong., 2d sess. House Ex. doc. no. 136.) Serial no. 274

- 752 Wharton, Francis. A digest of the international law of the the United States. 2d ed.

Washington: Govt. print. off., 1887. 3 v. 23^{1/2}_{1/2}^{cm}.

Refusal of the French Chamber to make the appropriations, v. 1, p. 36, v. 3, p. 88-97. JX237.W5 1887

1832—RUSSIA

- 753 American Jewish year book. The passport question in Congress; reprint from the American Jewish year book 5670.

[Philadelphia, The Jewish publication society of America, 1909?] cover-title, p. [21]-43. 19^{cm}.

- 754 **American Jewish year book.** The passport question; reprint from the American Jewish year book 5672.
New York, The American Jewish committee, 1911. cover-title, ii, 110 p. 19^{cm}.
 16-24683 JX4253.R8A63
- 755 **Egert, B. P.** The conflict between the United States and Russia.
St. Petersburg, 1912. 50 p. 21^{cm}.
 14-17900 JX1428.R8E45
- 756 **Henriques, H. S. Q.** The Russian passport system; religious disabilities of foreigners.
Law magazine and review, May, 1914, v. 39: 320-326.
- 757 **L'incident russe-américain** relatif aux passeports des Juifs russes émigrés et naturalisés aux États-Unis.
Journal du droit international privé, 1912, v. 39: 159-168.
 JX6002.J5,v.39
- 758 **Kuhn, Arthur Kline.** International law and the discriminations practiced by Russia under the Treaty of 1832.
 [Washington, D. C., Press of B. S. Adams, 1911] 19 p. 23^{cm}.
 "Prepared by request for the Board of delegates on civil rights of the Union of American Hebrew congregations and the Independent order of B'nai B'rith."
 12-9996 JX1428.R8K8
- 759 **Marshall, Louis.** Russia and the American passport. Address . . . to the delegates at the twenty-second council Union of American Hebrew congregations, Thursday, January 19, 1911, together with resolution unanimously adopted.
 [New York, 1911] 16 p. 23^{1/2}cm.
 Issued also as U. S. Senate doc. 839, 61st Cong., 3d sess.
 11-5507 JX4253.R8M2
- 760 The passport question between the United States and Russia.
American journal of international law, Jan. 1912, v. 6: 186-191. JX1.A6,v.6
 On abrogating the Treaty of 1832.
- 761 **Sulzer, William.** The Russian passport question. Speech in the House of representatives, December 13, 1911.
 [Washington, Govt. print. off., 1911] 8 p. 24^{cm}.
 ca 12-855 JX4253.R8S8

762 U. S. Congress. House. Committee on foreign affairs. The abrogation of the Russian treaty. Report <to accompany H. J. res. 166.>

[Washington, Govt. print. off., 1911] 14 p. 23 $\frac{1}{2}$ cm. (62d Cong., 2d sess. House. Rep. 179)

Submitted by Mr. Sulzer.

Referred to the House calendar and ordered printed Dec. 12, 1911.

Joint resolution 166 provides for the termination of the treaty of 1832 between the United States and Russia on the ground that Russia has continually violated the provisions of the treaty by refusing to recognize passports granted to American citizens, on account of race or religion.

11-35948

JX4253.U6A5 1911

763 ————— Termination of treaty between the United States and Russia.

[Washington, Govt. print. off., 1911] 34 p. 23cm.

Hearing of Feb. 16, 1911, on House joint resolution no. 284, providing for the termination of the treaty concluded at St. Petersburg, Dec. 18, 1832, on the ground that Russia has violated the treaty by imposing restrictions on American citizens of Jewish faith in Russia. D. J. Foster, chairman of committee.

JX234.A5 1911

————— [Washington, Govt. print off., 1911] 64 p. 23cm.

Hearings of Feb. 16 and Feb. 22, 1911.

11-35164

JX234.A5 1911a

764 ————— Termination of the treaty of 1832 between the United States and Russia. Hearing before the Committee on foreign affairs of the House of representatives, Monday, December 11, 1911.

Washington, Govt. print off., 1911. 303 p. 23 $\frac{1}{2}$ cm.

Hon William Sulzer, chairman.

Statements of William G. McAdoo, Mayer Sulzberger, Louis Marshall, Oscar S. Straus, etc.

JX1428.R8A5 1911

<Rev. ed.>

Washington, Govt. print off., 1911. 336 p. 23 $\frac{1}{2}$ cm.

"Appendix iv. The passport question in Congress, 1879-1909": p. 304-320.

12-3455-6

JX1428.R8A5 1911a

- 765 U. S. Congress. Senate. Committee on foreign relations. Treaty of 1832 with Russia. Hearing before the Committee on foreign relations, United States Senate, Sixty-second Congress on S. J. res. 60 . . . December 13, 1911. *Washington, Govt. print. off., 1911.* 50 p. 23^{cm.}

Shelby M. Cullom, chairman.

Statements of Louis Marshall, Mayer Sulzberger, and Oscar S. Straus, on a joint resolution providing for the termination of the treaty . . . concluded at St. Petersburg Dec. 18, 1832. Appendix (p. 43-50) consists of translations, as follows: Consular treaty between the German Empire and Russia of Dec. 8 (Nov. 28) 1874.—Treaty . . . between Austria-Hungary and Russia, of Feb. 2 (15) 1906.—Treaty . . . between France and Russia of March 20 (April 1) 1874, with modifications by the commercial convention of Sept. 16 (29) 1905.—Translation and summary of a debate in the French chamber of deputies, Dec. 27, 1909.

12-25088

JX1428.R8A5 1911b

- 766 ——— President, 1909-1913 (Taft) Treaty of 1832 between the United States and Russia. Message from the President of the United States, transmitting copy of a notice forwarded by the secretary of state to the American ambassador at St. Petersburg relative to the termination of the treaty of 1832 between the United States and Russia.

[*Washington, Govt. print. off., 1911.*] 2 p. 24^{cm.} (62d Cong., 2d sess. Senate. Doc. 161)

11-35992

JX1428.R8A5 1911a

1844—GERMANIC STATES

- 767 Calhoun, John C. [Letter to Henry Wheaton. June 28, 1844.] (*In Wheaton, Henry. Elements of international law, 6th ed., p. cvi-cviii, Boston, 1855.* 23^{cm.}) Calhoun expresses regret at "the omission of the Senate to act finally on the treaty with the Zollverein States."

JX2495.E3 1855

- 768 Fisk, George Mygatt. Die handelspolitischen und sonstigen völkerrechtlichen Beziehungen zwischen Deutschland und den Vereinigten Staaten von Amerika. Eine historisch-statistische Studie.

Stuttgart, J. G. Cotta'sche Buchhandlung nachf., 1897. xiv, 254 p. 22¹/₂^{cm.} (*Münchener volkswirtschaftliche Studien, hrsg. von L. Brentano und W. Lotz.* 20. stück)

Die Versuche Wheatons, einen Vertrag mit dem Zollverein zu vereinbaren, p. 81-91.

G-1030

HF3099.F53

769 K., I. L. Germany, and the commercial treaty of Berlin.

Hunt's merchants' magazine, Dec. 1844, v. 11: 491-501.

HF1.M5,v.11

770 Lawrence, William Beach. Introductory remarks.

(In Wheaton, Henry. Elements of international law. 6th ed.
p. xii-cxciv. Boston, 1855. 23^{cm.})

P. xciii-cx outline Wheaton's negotiations with the Zollverein
and include a letter of June 28, 1844, from J. C. Calhoun
expressing regret at "the omission of the Senate to act
finally on the treaty with the Zollverein States."

JK2495.E3 1855

771 Meier, Ernst. Über den Abschluss von Staatsverträgen.

Leipzig: Duncker & Humblot, 1874. xiii, 368 p. 23^{cm.}

See p. 180-181.

2-18652

JX4171.T5M4

772 U. S. Congress. Senate. Committee on foreign relations.

[Report by] Mr. Choate, . . . on the 1st instant, the convention with Prussia and the other states of the Germanic association of customs and commerce. June 14, 1844.

(In Journal of the executive proceedings of the Senate, v. 6,
p. 333-336. Washington, 1887. 23^{cm.}) Serial no. 430

On the treaty negotiated by Mr. Wheaton. Holds that the Senate is constitutionally incompetent to ratify the treaty, and also that the treaty sets forth an unequal value of stipulated equivalents.

773 ————— [Report by] Mr. Archer, . . . a message relating to the convention with Prussia, and other states of the Germanic association of Customs and commerce, and to whom was referred, on the 23d December, the said convention. Feb. 26, 1845.

(In Journal of the executive proceedings of the Senate, v. 6,
p. 406-410. Washington, 1887. 23^{cm.}) Serial no. 448

A reaffirmation of the views expressed in the report presented by Mr. Choate the year before.

774 ————— Treasury dept. Report from the secretary of the treasury [R. J. Walker] on the state of the finances. Dec. 3, 1845.

[Washington, 1845.] 957 p. 23^{cm.} (29th Cong., 1st sess.
Senate. Doc. no. 2.) Serial no. 471

Also appears as House doc. no. 6, 29th Cong., 1st sess.

Serial no. 481

Report of R. J. Walker. Argues (p. 12) that opposition to the Zoll-Verein treaty is on the part of the manufacturing interest.

775 **Wheaton**, Henry. [Letter to John C. Calhoun; Berlin, Dec. 24, 1845.]

(In American historical association. Annual report 1899. Vol. II. Calhoun correspondence, p. 1063-1065. Washington, 1900. 23^{cm.})

On the treaty negotiated with the Zollverein, which the Senate in 1844, failed to ratify.

E172.A60 1899,v.2

776 [Wurm, C. F.] Die Ratifikation von Staatsverträgen.

Deutsche Vierteljahrs Schrift, 1845, v. 8, 1 Heft, p. 163-239.

AP30.D45,v.8

Vereinigte Staaten von Nordamerika and Preussen (für den deutschen Zollverein) 1844, p. 225-233.

777 **Zimmermann**, Alfred. Geschichte der preussisch-deutschen Handelspolitik.

Oldenburg und Leipzig, Schulze, 1892. v p. 1 l., 850 p. 24^{cm.}

Negotiations of Mr. Wheaton: p. 294-296; Text of the Convention of 1844: p. 599-606.

1-G-1529

HF1545.27

1844—TEXAS

778 **Benton**, Thomas Hart. Speech of Mr. Benton, of Missouri, delivered in the Senate of the United States, May 16, 18, and 20, 1844, in secret session on the treaty for the annexation of Texas.

Washington, J. and G. S. Gideon, printers, 1844. 28 p. 22¹/₂^{cm.}

10-1547

F390.B49

779 ——— Same.

Congressional globe, 28th Cong. 1st sess. Appendix, p. 474-486.

J11.G5 1843-44

780 **Clay**, Henry. [Letters] on the Texas question. April 17 and July 27, 1844.

Niles' register, May 4, Aug. 31, 1844, v. 66: 152-153; p. 439.

JK1.N5.v.66

781 **Field**, David Dudley. [The annexation of Texas.]

(In his Speeches, arguments, and miscellaneous papers, Edited by Titus Munson Coan, v. 3, p. 1-5. New York, 1890. 22¹/₂^{cm.})

E415.7.F45,v.3

782 Gallatin, Albert. [Letters] to D. Dudley Field. 17th December, 1844 and 10th February, 1845.

(In *The Writings of Albert Gallatin*, ed. by Henry Adams. V. 2, p. 605-610. Philadelphia, 1879. 25^{cm.})

On the constitutional character of the resolution for annexing Texas by legislative act.

E338.G16.v.2

783 Holst, Hermann Eduard von. John C. Calhoun.

Boston, New York, Houghton, Mifflin and company, 1892. vi, 356 p. 18^{cm.}. (*American statesmen*, ed. by J. T. Morse, jr. [v. 22])

Texas, p. 222-260.

... "appeal from the Senate, which had the unquestionable right to reject a treaty, to the House of Representatives, to which no power had been given by the Constitution in relation to treaties," page 246.

10-12004

E340.C15H63

784 Sedgwick, Theodore. Thoughts on the proposed annexation of Texas to the United States. First published in the New York Evening post, under the signature of Veto, (Theodore Sedgwick.) Together with the address of Albert Gallatin, LL. D. delivered at the Tabernacle meeting, held on the 24th of April, 1844. 2d ed.

New York, Printed by S. W. Benedict & co., 1844. 56 p. 22½^{cm.}

Regards the treaty of annexation sent by the President to the Senate in excess of the rights conferred upon the treaty-making power.

3-73

F390.S46

785 U. S. Congress. Debate in the Senate concerning the treaty for the annexation of Texas.

Congressional globe, 28th Cong. 1st sess., 1843-1844. Appendix. (See Index, p. viii.)

J11.G5 1843-44

786 —— Senate. Committee on foreign relations. Report [from] the Committee on foreign relations, to which have been referred sundry joint resolutions and a bill on the subject of the annexation of Texas, and also sundry instructions of state legislatures, and memorials and petitions on the same subject. Feb. 4, 1845.

[Washington, 1845.] 23 p. 23^{cm.}. (28th Cong. 2d sess. Senate. Doc. 79.)

Serial no. 451

Includes a discussion of the treaty-making power with reference to the acquisition of foreign territory.

787 U. S. 29th Congress. Special session of the Senate. 1845.
 [Resolutions] That in executing the authority conferred by the joint resolution of Congress entitled "A joint resolution for the annexation of Texas to the United States," the President of the United States, will best conform to the provisions of the Constitution by resorting to the treaty-making power for the purpose of accomplishing the objects of that resolution. That the Secretary be directed to lay before the President of the United States a copy of this resolution. [March 10, 1845 and March 20, 1845.]

(In Journal of the executive proceedings of the Senate of the United States of America, vol. VI, p. 429-453. Washington, 1887. 23^{cm.})

Serial no. 448

788 Van Buren, Martin. Letter on annexation. April 20, 1844.
Niles' register, May 4, 1844, v. 66: 153-157. JK1.N5,v.66

789 Walker, Robert James. Letter of Mr. Walker, of Mississippi, relative to the reannexation of Texas: in reply to the call of the people of Carroll County, Kentucky, to communicate his views on that subject.

Washington, Printed at the Globe office, 1844. 32 p. 25^{cm.}

Methods by which territory may be acquired: p. 4-5.

10-5370

F390.W183

790 —— Speech of Mr. Walker, of Mississippi: delivered in the United States Senate, May 20 and 21, in secret session on the treaty for the reannexation of Texas. (The injunction of secrecy removed.)

Washington, Printed at the Globe office, 1844. 20 p. 24 $\frac{1}{2}$ ^{cm.}

10-1553

F390.W19

791 Woodbury, Levi. Speech of Mr. Woodbury, of New Hampshire, in executive session, on the treaty for the reannexation of Texas to the United States: delivered in the Senate of the United States, June 4, 1844.

[*Washington? 1844.*] 30 p. 24 $\frac{1}{2}$ ^{cm.}

18-4621

F390.W88

1848—MEXICO

792 Reeves, Jesse S. The treaty of Guadalupe-Hidalgo.
American historical review, Jan. 1905, v. 10: 309-324.

E171.A57,v.10

793 U. S. *Treaties, etc., 1845-1849 (Polk)* Message from the President of the United States, communicating a copy of the treaty with the Mexican Republic, of February 2, 1848, and of the correspondence in relation thereto, and recommending measures for carrying the same into effect. July 6, 1848. Read, and ordered to be printed.

[*Washington, 1848*] 72 p. 26^{cm.} (30th Cong., 1st sess. Senate Ex. [doc.] 60)

11-2903

E408.U581

1850—GREAT BRITAIN (CLAYTON-BULWER TREATY)

794 Bell, John. Speech of Hon. John Bell, of Tennessee, upon our relations with Great Britain, delivered in the Senate of the United States, February 26, 1856.

Washington, Printed at the Congressional globe office, 1856.

15 p. 24¹/₂^{cm.}

11-10827

F1436.B43

795 Bigelow, John. Breaches of Anglo-American treaties; a study in history and diplomacy.

New York, Sturgis & Walton company, 1917. 1 p. l., v-xi, 248 p. III fold. maps. 19¹/₂^{cm.}

"About two-thirds of the work is taken up with . . . the Clayton-Bulwer treaty."—Pref.

Bibliography: p. 231-236.

17-11357

JX1428.G7B5

796 Clayton, John Middleton. Speech delivered in the Senate of the United States on the 8th of March, 1853, in vindication of the Central American treaty concluded with Great Britain on the 19th of April, 1850.

Washington, Printed by Kirkwood & McGill, 1853. 43 p. 23^{cm.}

9-9860

F1436.C63

797 ——— Speech . . . on the Central American treaty of April 19, 1850; delivered in the Senate of the United States, March 17 and 19, 1856.

Washington, Printed at the Congressional globe office, 1856. 21 p. 22¹/₂^{cm.}

11-25514

F1436.C64

798 Clingman, Thomas Lanier. Speech . . . against the Clayton-Bulwer treaty, and in favor of American ascendancy in the Gulf of Mexico and Central America. Delivered in the House of representatives, May 5, 1858.

Washington, Printed at the Congressional globe office, 1858. 16 p. 24^{cm.}

11-25513

F1436.C66

799 [Comegys, Joseph Parsons] The Clayton-Bulwer treaty and the report of the committee of the House on foreign relations against it.

[n. p., 1880] cover-title, 24 p. 24^{cm}.

Signed: A Delawarean.

6-5359

TC773.C73

800 Douglas, Stephen Arnold. Speech of Hon. Stephen A. Douglas of Illinois, on the Monroe doctrine. Delivered in the Senate of the United States, February 14, 1853.

Washington, Printed by L. Towers, 1853. cover-title, 16 p. 22^{cm}.

Explaining the author's opposition to the ratification of the Clayton-Bulwer treaty.

ca 18-417

JX1425.D75

801 Everett, Edward. Speech . . . on the Central American treaty. Delivered in the Senate of the United States, March 21, 1853.

Washington, Printed at the Congressional globe office, 1853. 13 p. 24^{cm}.

11-25512

F1436.E93

802 Keasbey, Lindley Miller. The early diplomatic history of the Nicaragua canal.

Newark, N. J., The Holbrook printing company, 1890. viii, 130 p. fold. map. 23^{cm}.

6-4974

TC784.K23

803 —— The Nicaragua canal and the Monroe doctrine; a political history of isthmus transit, with special reference to the Nicaragua canal project and the attitude of the United States government thereto.

New York [etc.] G. P. Putnam's sons, 1896. xvii, 622 p. 4 maps (incl. front.) 23¹/₂^{cm}.

3-31714

TC784.K24

804 —— The terms and tenor of the Clayton-Bulwer treaty.

American academy of political and social science. Annals, Nov. 1899, v. 14: 285-309.

H1.A4,v.14

805 Moore, John Bassett. A digest of international law.

Washington, Govt. print. off., 1906. 8 v. 24¹/₂^{cm}. (U. S. 56th Cong., 2d sess. House. Doc. 551.)

Clayton-Bulwer treaty: v. 3, p. 180-210.

JX237.M7,v.3

806 **Olney**, Richard. The Clayton-Bulwer treaty; memorandum.
(Reprint)

Washington, 1900. 16 p. 24cm.

2-18453

F1438.051

807 [Squier, Ephraim George] Question anglo-américaine. Documents officiels échangés entre les États-Unis et l'Angleterre au sujet de l'Amérique Centrale et du traité Clayton-Bulwer.

Paris, Stassin et Xavier, 1856. 2 p. l., 225 p., 1 l. fold.
map. 22cm.

4-9902

F1438.S77

808 **Travis**, Ira Dudley. The history of the Clayton-Bulwer treaty.

[*Ann Arbor, The Association, 1900*] ix, 312 p. front.
(fold. map) 24cm. (*Publications of the Michigan political science association. [vol. iii, no. 8]*)

Bibliography: p. [309]-312.

2-7037

H31.M6 vol.3

F1438.T78

809 **U. S. Congress. House. Committee on foreign affairs.** The Clayton-Bulwer treaty. Report. April 16, 1880.

[*Washington, 1880.*] 7 p. 23cm. (46th Cong., 2d sess.
House. Report no. 1121.) Serial no. 1937

Recommending that steps be taken to abrogate the treaty.

810 ————— Interoceanic canal and the Monroe doctrine. [Report] Feb. 14, 1881.

[*Washington, 1881.*] xi, (1), 49 p. 23cm. (46th Cong., 3d sess.
House. Report. no. 224.) Serial no. 1982

Reporting resolutions affirming the Monroe doctrine, especially as applied to the control of an isthmian canal, and requesting President to take steps for the abrogation of treaties in conflict with the declaration of principles contained in the resolutions. P. 1-49 are given to notes of a hearing Jan. 11-27, 1881. The notes include: Views of Mr. Allen Thorndike Rice, Mr. Crapo, Mr. S. L. Phelps, Admiral Ammen, James B. Eads, Señor Maximo Jerez, William H. Webb, and Mr. Thompson.

811 ————— Interoceanic canal and the Monroe doctrine. Views of the minority. March 4, 1881.

[*Washington, 1881.*] 9 p. 23cm. (46th Cong., 3d sess.
House. Report. no. 224, pt. 2.) Serial no. 1982

Signed by Benjamin Wilson.

- 812 U. S. *Congress. House. Committee on foreign affairs.* The construction or control of interoceanic canals at the Isthmus of Darien and in Central America by European governments. Report. March 2, 1889.
[Washington, 1889.] 28 p. 23^{cm}. (50th Cong. 2d sess. House. Report no. 4167.) Serial no. 2675
"Views of the minority," p. 18-28.
- 813 ——— *Select committee on the inter-oceanic ship canal.* The Monroe doctrine. [Report] . . . March 3, 1881.
[Washington, 1881.] 9 p. 23^{cm}. (46th Cong. 3d sess. House. Report no. 390.) Serial no. 1983
Recommends the adoption of resolutions, reported to the House of Representatives March 8, 1880, affirming the Monroe doctrine, especially as applied to the control of an inter-oceanic canal, and requesting the President to take steps for the abrogation of treaties in conflict with the declaration of principles contained in the resolutions.
- 814 ——— *Senate. Resolution* [submitted by Mr. Eaton, "that the President of the United States be requested to transmit to the Senate copies of all correspondence between this government and any foreign government since February, 1869, respecting a ship canal across the Isthmus between North America and South America, together with copies of any project of treaties respecting the same which the Department of State may have proposed or submitted since that date to any foreign power or its diplomatic representative"]. Dec. 4, 1879.
[Washington, 1879.] 1 p. 23^{cm}. (46th Cong., 2d sess. Senate. Misc. doc. no. 9.) Serial no. 1890
- 815 ——— *Committee on foreign relations.* Report [from] the committee on foreign relations, to whom was referred the message of the President of the United States of the 4th of January, and to whom also has been referred the resolution of the Senate adopted on the 27th of the same month. Feb. 11, 1853.
[Washington, 1853.] 17 p. 23^{cm}. (32d Cong. 2d sess. Senate. Rept. no. 407.) Serial no. 671
On alleged treaty violation by Great Britain through the establishment of a new colony in Central America. With reference to the Senate resolution, the committee reported: "*Resolved*, (as the opinion of the committee,) That the declaration on the part of the British government, and the reply thereto by the Secretary of State, as preliminary to the exchange of ratifications of the treaty, concluded at Washington, between the governments of Great Britain and the United States, on the 19th April, 1850, import nothing more

than an admission on the part of the two governments, or their functionaries, at the time of such exchange that nothing contained in the treaty was to be considered as affecting the title, or existing rights, of Great Britain to the English settlements in Honduras Bay.

"And, consequently, in the opinion of the committee, that no measures are necessary on the part of the Senate, to be taken because of such declaration and reply."

- 816 U. S. Congress. Senate. Committee on foreign relations. [Resolution reported] from the committee on foreign relations. Feb. 16, 1881.

[Washington, 1881.] 1 p. 23^{cm}. (46th Cong., 3d sess. Senate. Misc. doc. no. 42.) Serial no. 1944

Affirming that the consent of the United States is a necessary condition precedent to the construction of an Isthmian canal or participation in its use by other nations.

- 817 ————— Report [from] the committee on foreign relations [on the Maritime canal company of Nicaragua and the interests of the United States.] Jan. 10, 1891.

[Washington, 1891.] 215 p. plates. maps. plans. 23^{cm}. (51st Cong., 2d sess. Senate. Report 1944.) Serial no. 2826

The report is of twenty pages; the rest of the document is given to various appendices and the report of a hearing, May 22, 1890.

- 818 ————— Dept. of state. Tigre island and Central America. Message from the President of the United States, transmitting documents in answer to a resolution of the House respecting Tigre island, &c., &c. July 18, 1850.

[Washington, 1850.] 328 p. folded maps. 23^{cm}. (31st Cong., 1st sess. House. Ex. doc. no. 75.) Serial no. 579

On April 19, 1850, the Clayton-Bulwer treaty was concluded and on July 5, it was proclaimed. The text of the treaty is here given, together with correspondence between the American Secretary of State and the British plenipotentiary at the time it was concluded, and a report by the Secretary of State relative to negotiations with Central America, with a copy of the special convention with Nicaragua, of Sept. 15, 1849.

- 819 ————— Message from the President of the United States, communicating, in compliance with a resolution of the Senate, information in relation to the difficulties between the British authorities and San Salvador. Feb. 28, 1851.

[Washington, 1851.] 99 p. folded map. 23^{cm}. (31st Cong., 2d sess. Senate. Ex. doc. no. 43.) Serial no. 591

In regard to the British seizure of the Island of Tigre, in the Gulf of Fonseca, Oct. 16, 1849, for the satisfaction of claims of British subjects.

- 820 U.S. *Dept. of state.* Message from the President of the United States, communicating, in compliance with a resolution of the Senate, information in relation to the firing into and seizure of the American steamship *Prometheus* by a British vessel of war. Dec. 15, 1851.
[Washington, 1851.] 5 p. 23^{cm}. (32d Cong., 1st sess. Senate. Ex. doc. no. 6.) Serial no. 614
- 821 ——— Message from the President of the United States, in answer to a resolution of the Senate calling for information in relation to the establishment of a new British colony in Central America. Jan. 4, 1853.
[Washington, 1853.] 4 p. 23^{cm}. (32d Cong., 2d sess. Senate. Ex. doc. no. 12.) Serial no. 660
Includes the declaration of Bulwer with reference to the treaty signed April 19, 1850, "that her Majesty does not understand the engagements of that convention to apply to her Majesty's settlement at Honduras, or to its dependencies," and, also, the memorandum of Mr. Clayton on this declaration.
- 822 ——— Message from the President of the United States, communicating, in compliance with a resolution of the Senate, certain correspondence in relation to Central America. Jan. 21, 1853.
[Washington, 1853.] 106 p. 23^{cm}. (32d Cong., 2d sess. Senate. Ex. doc. no. 27.) Serial no. 660
Papers communicated in response to a Senate resolution calling for "the correspondence between the Hon. Abbott Lawrence and Lord Palmerston, or the government of the United States, relative to Central America, and also any other correspondence which relates to the claims of Great Britain to the Mosquito coast, or to any portion of the territory of Honduras or Yucatan."
- 823 ——— Message from the President of the United States, in answer to a resolution of the Senate requesting copies of correspondence and documents relative to Nicaragua, Costa Rica, and the territory claimed by the Mosquito Indians. Jan. 27, 1853.
[Washington, 1853.] 2 p. 23^{cm}. (32d Cong., 2d sess. Senate. Ex. doc. no. 28.) Serial no. 660

824 U. S. *Dept of state.* Message from the President of the United States, communicating a report from the Secretary of state, embodying the substance of recent communications from the British minister on the subject of interoceanic canal, by the Nicaragua route. Feb. 18, 1853.

[*Washington, 1853.*] 6 p. 23^{cm}. (32d Cong., 2d sess. Senate. Ex. doc. no. 44.) Serial no. 665

Also appears as House ex. doc. no. 56, 32d Cong., 2d sess. Report of Mr. Everett, and includes the substance of communications on "the relations of Great Britain to the protectorate of Mosquito, which she expresses herself desirous of relinquishing on terms consistent with her honorable engagements to the Indians of that name."

825 ——— Message from the President of the United States, communicating, in compliance with a resolution of the Senate, information in relation to the transactions between Captain Hollins, of the United States ship *Cyane*, and the authorities at San Juan de Nicaragua. Dec. 19, 1853.

[*Washington, 1853.*] 39 p. 23^{cm}. (33d Cong., 1st sess. Senate. Ex. doc. no. 8.) Serial no. 694

826 ——— Message from the President of the United States, communicating in compliance with a resolution of the Senate, further correspondence growing out of the treaty of Washington of July 4, 1850. Dec. 31, 1853.

[*Washington, 1853.*] 19 p. 23^{cm}. (33d Cong., 1st sess. Senate. Ex. doc. no 13.) Serial no. 694

827 ——— Message from the President of the United States communicating, in compliance with a resolution of the Senate, information respecting the bombardment of San Juan de Nicaragua. July 31, 1854.

[*Washington, 1854.*] 30 p. 23^{cm}. (33d Cong. 1st sess. Senate. Ex. doc. no. 85.) Serial no. 702

Includes documents submitted in response to the Senate resolution calling upon the President for "all the information in his possession respecting the bombardment of Greytown, or San Juan de Nicaragua, by Captain Hollins, in command of the United States ship *Cyane*, with copies of all orders or instructions, if any, given by the executive to said Hollins in relation thereto."

828 U. S. *Dept. of state.* San Juan de Nicaragua. Message from the President of the United States [July 31, 1854] transmitting reports in reference to the destruction of San Juan de Nicaragua.

[*Washington, 1854.*] 31 p. 23^{cm.} (*33d Cong., 1st sess. House. Ex doc. no. 126.*) Serial no. 734

829 ——— Documents relative to Central American affairs, and the enlistment question.

Washington, C. Wendell, printer, 1856. 485 p. fold. map. 23^{cm.}

Printed by direction of the House of representatives.

CONTENTS.—Corresponds between Great Britain and the United States, in relation to Central American affairs, communicated to the first session of the Thirty-fourth Congress by the President of the United States with his annual message.—Correspondence in relation to Central American affairs, and the Clayton and Bulwer convention.—Correspondence in relation to enlistment of troops within the United States by the agents of Great Britain.—The trial of Henry Hertz et al.

12-40476

F1438.U58

830 ——— Message of the President of the United States, transmitting, in compliance with a resolution of the Senate of January 10, 1856, a copy of a letter from Lord John Russel to Mr. Crampton, dated January 19, 1853. Jan. 11, 1856.

[*Washington, 1856.*] 3 p. 23^{cm.} (*34th Cong., 1st sess. Senate. Ex. doc. no. 3.*) Serial no. 815

Contains statement that the British government intends "to adhere strictly to the treaty of Washington of the 19th of April, 1850, and not to assume any sovereignty, either direct or indirect, in Central America."

831 ——— Message of the President of the United States, communicating a report of the Secretary of State, in compliance with a resolution of the Senate of the 17th ultimo, calling for copies of certain correspondence and other papers relative to the republics of Nicaragua, Costa Rica, the Mosquito Indians, and the convention between the United States and Great Britain of April 19, 1850. Feb. 14, 1856.

[*Washington, 1856.*] 146 p. 23^{cm.} (*34th Cong., 1st sess. Senate. Ex. doc. no. 25.*) Serial no. 819

The Senate resolution of the date noted requested the President, if compatible with the public interest, "to communicate to the Senate copies of any correspondence which took

place between Daniel Webster, Secretary of State, and the British minister and the minister from Costa Rica, in respect to a *projet* which was submitted to Nicaragua, Costa Rica, and the Mosquito Indians, and a copy of such *projet* with the instructions given to Mr. Walsh, the special agent, deputed by the United States to present that *projet* to the states of Nicaragua and Costa Rica, as also of such other correspondence as may have passed between him and the said Secretary of State on the subject; as also copies of the correspondence with Mr. Kerr, chargé d'affaires of the United States in Nicaragua in reference thereto, together with the government of Nicaragua or its minister, in respect to the same *projet*; and also copies of any letters not heretofore communicated, which may have been addressed to this government by the minister of Nicaragua or the minister of Great Britain, in reference to the construction and purport of the convention between the United States and Great Britain, signed April 19, 1850, and proclaimed July 5, 1850, and of the replies made to them, if any."

832 U. S. *Dept. of state.* Message of the President of the United States, communicating sundry documents in relation to the affairs with the government of Nicaragua, and information that the new minister from that government had been accredited by this government, May 15, 1856.

[*Washington, 1856.*] 176 p. 23^{cm.} (*34th Cong., 1st sess.*
Senate. Ex. doc. no. 68.) Serial no. 822

The accompanying papers cover the dates Jan. 16, 1854—April 10, 1856. The document also appears as House ex. doc. no. 103, 34th Cong., 1st sess.

833 — — — Message of the President of the United States, in further answer to the resolution of the 17th January last, communicating correspondence, not previously communicated to the Senate, touching the construction and purport of the convention with Great Britain, of the 19th of April, 1850, relative to Central America. May 29, 1856.

[*Washington, 1856.*] 10 p. 23^{cm.} (*34th Cong., 1st sess.*
Senate. Ex. doc. no. 82.) Serial no. 823

Transmits a copy of an instruction of May 24, 1856, from the Secretary of State to the minister of the United States at London.

834 — — — Message of the President of the United States, in compliance with a resolution of the Senate of the 7th instant, relating to the refusal of the government of Honduras to receive a commercial agent from this country. Aug. 12, 1856.

[*Washington, 1856.*] 5 p. 23^{cm.} (*34th Cong., 1st sess.*
Senate. Ex. doc. no. 105.) Serial no. 825

835 U. S. *Dept. of state.* Message of the President of the United States, communicating, in compliance with the resolution of the Senate of the 17th instant, correspondence between the Department of State and the ministers from Great Britain and France, in relation to losses sustained by citizens of those countries at the bombardment of Greytown. Dec. 23, 1857.

[*Washington, 1857.*] 11 p. 23cm. (35th Cong., 1st sess.
Senate. Ex. doc. no. 9.) Serial no. 918

836 ——— Message of the President of the United States, communicating, in compliance with the resolution of the Senate, the correspondence between the Department of State and the minister of Bremen, on the subject of claims for losses alleged to have been sustained by subjects of the Hause towns at the bombardment of Greytown. Dec. 29, 1857.

[*Washington, 1857.*] 24 p. 23cm. (35th Cong., 1st sess.
Senate. Ex. doc. no. 10.) Serial no. 918

837 ——— Message of the President of the United States, communicating, in compliance with the resolution of the Senate of January 4, 1858, the correspondence, instructions, and orders to the United States naval forces on the coast of Central America, connected with the arrest of Wm. Walker and his associates, at or near the port of San Juan de Nicaragua. Jan. 7, 1858.

[*Washington, 1858.*] 38 p. 23cm. (35th Cong., 1st sess.
Senate. Ex. doc. no. 13.) Serial no. 918

838 ——— Nicaragua—seizure of General Walker. Message from the President of the United States, relative to the seizure of General William Walker and his followers in Nicaragua. Jan. 11, 1858.

[*Washington, 1858.*] 82 p. 23cm. (35th Cong., 1st sess.
House. Ex. doc. no. 24.) Serial no. 950

839 ——— Message of the President of the United States communicating, in compliance with the resolution of the Senate of the 7th instant, information in relation to the condition of the commercial relations between the United States and the Spanish-American states on this continent, and between these countries and other nations. July 14, 1870.

[*Washington, 1870.*] 13 p 23cm. (41st Cong., 2d sess.
Senate. Ex. doc. no. 112.) Serial no. 1407

840 U. S. *Dept. of state.* International ship-canal. Resolution of the House of Representatives and letter from the Secretary of State in relation to an international ship-canal. May 20, 1872.

[*Washington, 1872.*] 2 p. 23cm. (*42d Cong., 2d sess. House. Misc. doc. no. 219.*) Serial no. 1527

"It has not been the policy of this Government to complicate the practical question of the construction of such a canal by encouraging discussions or negotiations with European powers on the subject."

841 ——— The Darien interoceanic canal. Message from the President of the United States, transmitting a report from the secretary of state relative to the steps taken by the Government of the United States to promote the construction of an interoceanic canal across the Isthmus of Darien. June 13, 1879.

[*Washington, 1879.*] 3 p. 23cm. (*46th Cong., 1st sess. House Ex. doc. no. 10.*) Serial no. 1875

842 ——— Interoceanic canal. Message from the President of the United States, transmitting, in response to a resolution of the House of Representatives, copies of correspondence in relation to the interoceanic canal. March 8, 1880.

[*Washington, 1880.*] 2 p. 23cm. (*46th Cong., 2d sess. House Ex. doc. no. 57.*) Serial no. 1925

Correspondence is printed with Senate ex. doc. no. 112, 46th Cong., 2d. sess.

843 ——— Message from the President of the United States, in response to Senate resolution of Feb. 11, 1880, covering report of secretary of state, with accompanying documents, in relation to the proposed interoceanic canal between the Atlantic and Pacific oceans. March 8, 1880.

[*Washington, 1880.*] 152 p. 23cm. (*46th Cong., 2d sess. Senate. Ex. doc. no. 112.*) Serial no. 1885

Papers transmitted in response to a Senate resolution requesting "copies of all correspondence between this government and any foreign government since February, 1869, respecting a ship-canal across the isthmus between North America and South America, together with copies of any projet of treaties respecting the same which the Department of State may have proposed or submitted since that date to any foreign power or its diplomatic representative."

844 U. S. *Dept. of state.* Message from the President of the United States, transmitting the report of the Secretary of State in response to Senate resolution of the 14th October 1881, with accompanying document, relative to the projected interoceanic canal at Panama. Oct. 24, 1881.

[*Washington, 1881.*] 4 p. 23^{cm}. (47th Cong., Special sess. Ex. doc. no. 5.) Serial no. 1985

Gives the letter of instruction to the United States minister in London.

845 ——— Message from the President of the United States, transmitting, in response to Senate resolution of December 12, 1881, a report from the secretary of state, touching the proposed modification of the Clayton-Bulwer treaty of April 19, 1850, between the United States and Great Britain. Dec. 15, 1881.

[*Washington, 1881.*] 7 p. 23^{cm}. (47th Cong., 1st sess. Senate. Ex. doc. no. 16.) Serial no. 1986

Gives Mr. Blaine's instruction to Mr. Lowell.

846 ——— The Clayton-Bulwer treaty and the Monroe doctrine. A letter from the secretary of state to the minister of the United States at London dated May 8, 1882, with sundry papers and documents explanatory of the same, selected from the archives of the Department of state.

Washington, Govt. print. off., 1882. 203 p. 23^{cm}. (47th Cong., 1st sess. Senate. Ex. doc. 194.) Serial no. 1991

The letter of the Secretary of State communicates, "somewhat at length, the opinions entertained here respecting the traditional continental policy of the United States and the Clayton-Bulwer treaty."

The explanatory documents and papers cover the dates Feb. 10, 1763-June 1, 1882.

10-3786

JX1425.A3 1882

847 ——— Message from the President of the United States, transmitting, in further compliance with Senate resolution of December 12, 1881, the remainder of the correspondence touching the desired modification of the Clayton-Bulwer treaty. Jan. 27, Feb. 17, June 6, 1882.

[*Washington, 1882.*] 3 pts. 23^{cm}. (47th Cong., 1st sess. Senate. Ex. doc. no. 78. Pts. 1-3.) Serial no. 1989

- 848 U.S. *Dept. of state.* Message from the President of the United States, transmitting, in response to the Senate resolution of the 18th instant, a report of the Secretary of State and accompanying papers relating to the treaty between the United States and Great Britain, signed April 19, 1850. Dec. 19, 1883.
[Washington, 1883.] 15 p. 23^{cm}. (48th Cong., 1st sess. Senate. Ex. doc. no. 26.) Serial no. 2162
- 849 ——— [Dispatches, 1881-1882, of Mr. George Maney, formerly our minister at Bogota, relative to the Panama canal.] Dec. 10, 1884.
[Washington, 1884.] 8 p. 23^{cm}. (48th Cong., 2d sess. Senate. Misc. doc. no. 12.) Serial no. 2170
- 850 ——— Message from the President of the United States, in response to the Senate resolution of December 4, 1894, transmitting a report from the Secretary of State, with accompanying papers, relating to affairs at Blue-fields, in the Mosquito territory. Jan. 3, 1895.
[Washington, 1895.] 207 p. 23^{cm}. (53d Cong., 3d sess. Senate. Ex. doc. no. 20.) Serial no. 3275
"Great Britain, it is proper to say, has given this Government the most positive assurance that she asserts no right of sovereignty or protection over the territory, but on the contrary respects the full and paramount sovereignty of the Government of Nicaragua." Report of Mr. Gresham, p. 3.
- 851 ——— Correspondence and other papers relating to the proposed interoceanic ship canal, being a reprint of an executive document of the special session of March 4, 1857, and of document no. 194 of the Forty-seventh congress, first session. Feb. 8, 1900.
[Washington, 1900.] (2), 203 p. 23^{cm}. (56th Cong., 1st sess. Senate. Doc. 161.) Serial no. 3853
The first reprint noted was "originally printed as an executive document, special session of March 4, 1857"; the other document noted appears as Senate ex. doc. no. 194, 47th Cong., 1st sess., "The Clayton-Bulwer treaty and the Monroe doctrine."
- 852 ——— Correspondence in relation to an interoceanic canal between the Atlantic and Pacific oceans, the Clayton-Bulwer treaty and the Monroe doctrine, and the treaty between the United States and New Granada of December 12, 1846, comprising a reprint of Senate executive docs. no. 112, 46th Congress, 2d session; no. 194, 47th Con-

gress, 1st session; and no. 26, 48th Congress, 1st session; and correspondence not heretofore communicated to Congress. March 21, 1900.

[*Washington, 1900.*] 548 p. 23^{cm}. (56th Cong., 1st sess. Senate. Doc. 237.) Serial no. 3853

Includes also Senate misc. doc. no. 12, 48th Cong., 2d sess.

"Correspondence not heretofore communicated to Congress," p. 437-548.

853 —— *Dept of state.* History of amendments proposed to the Clayton-Bulwer treaty.

Washington, Govt. print. off., 1911. 31 p. 23^{1/2}_{cm}. (61st Cong., 3d sess. Senate. Doc. 746.) Serial no. 5943

A brief history of the amendments proposed and considered relative to the Clayton-Bulwer treaty with Great Britain, resulting in the treaty submitted December 14, 1901. Prepared in the Department of state, and sent by Mr. Hay to the Committee on foreign relations.

11-35109

TC773.U7 1911

854 —— *Navy dept.* Report of the Secretary of the navy, communicating in compliance with a resolution of the Senate, the correspondence between the president of Nicaragua and Commodore Paulding in relation to the capture of Walker and his command in December, 1857. December 23, 1858.

[*Washington, 1858.*] 5 p. 23^{cm}. (35th Cong., 2d sess. Senate. Ex. doc. 10.) Serial no. 981

855 —— *President (Pierce).* Message from the President of the United States to the two houses of Congress, at the commencement of the first session of the thirty-fourth Congress. Dec. 31, 1855.

[*Washington, 1855.*] 120 p. 23^{cm}. (34th Cong., 1st sess. House. Ex. doc. 1.) Serial no. 840

Also appears as Sen. ex. doc. no. 1, 34th Cong., 1st sess.

Includes a review of affairs in Central America with reference to the treaty of April 19, 1850, and transmits papers on the subject.

856 —— *President (Buchanan)* Message of the President of the United States, to the two houses of Congress at the commencement of the first session of the thirty-fifth Congress. Dec. 8, 1857.

[*Washington, 1857.*] 56 p. 23^{cm}. (35th Cong., 1st sess. Senate. Ex. doc. 11.) Serial no. 919

Clayton-Bulwer treaty, p. 9-13.

857 U. S. *President (Buchanan)*. Message of the President of the United States to the two houses of Congress at the commencement of the second session of the thirty-fifth Congress. Dec. 6, 1858.

[*Washington, 1858.*] 72 p. 23^{cm}. (*35th Cong., 2d sess. Senate Ex. doc. 1.*) Serial no. 974

Clayton-Bulwer treaty, p. 12-18; Central American affairs, p. 19-22, 51-67.

858 ——— *Treaties, etc., 1849-1850 (Taylor)* Convention between the United States and Great Britain, for facilitating and protecting the construction of a ship canal between the Atlantic and Pacific Oceans, and for other purposes. Concluded April 19, 1850 . . . By the President of the United States . . . a proclamation.

[*Washington, 1850.*] 5 p. 23^{cm}.

Proclamation with text of Clayton-Bulwer treaty.

6-6559

TC773.U7 1850

859 ——— ——— The Clayton and Bulwer convention, of the 19th April, 1850, between the British and American governments, concerning Central America; with the correspondence between the negotiators, agreeing that the convention excludes British Honduras from its operation; and also, the correspondence between the Earl of Clarendon and Mr. Buchanan, United States minister at London, in relation to the true construction of this convention.

London, Trübner and co., 1856. 63 p. 20^{cm}.

11-24509

F1436.U58

860 Williams, Mary Wilhelmine. Anglo-American Isthmian diplomacy, 1815-1915.

[*Baltimore, The Lord Baltimore press, 1916.*] xii, 356 p. double map. 18½^{cm}. (*Prize essays of the American historical association. 1914*)

Bibliography: p. 331-345.

16-14677

JX1398.1.W5 1916a

1853—MEXICO

861 Smith, Gerrit. Speech on the Mexican treaty and "Monroe doctrine." June 27, 1854.

(*In his Speeches . . . in Congress, p. 287-303. New York, 1855. 19½^{cm}.*)

E431.S64

862 U. S. 33d Cong., 1st sess. The Congressional Globe. 1853-1854.

City of Washington: Printed at the office of John C. Rives, 1854. 3 parts and appendix. 4°.

"There is a provision in the [Gadsen] treaty for the payment by the United States to Mexico of the sum of \$7,000,000 on the exchange of ratifications, and the further sum of \$3,000,000 when the boundaries of the ceded territories shall be settled. To be enabled to comply with the stipulation, according to the terms of the treaty relative to the payments therein mentioned, it will be necessary that Congress should make an appropriation of \$7,000,000 for that purpose, before the 30th instant, and also the further sum of \$3,000,000, to be paid when the boundaries shall be established. I therefore respectfully request that these sums may be put at the disposal of the Executive."—Message of President Pierce, June 20, 1854, *Globe*, p. 1466.

Bill to enable the President to fulfill the third article of the treaty, discussed, p. 1476, 1519, 1520-1524, 1535-1536, 1536-1549, 1561-1565.

The speeches by Solomon G. Haven, p. 1537-1540, Joshua R. Giddings, p. 1541-1542, Israel Washburn, p. 1542-1543, William W. Boyce, p. 1543-1545, and John S. Millson, p. 1546-1548, are especially to be noted.

Speeches reported in the Appendix are as follows By J. Glancy Jones, p. 1008-1011; By Gerrit Smith, p. 1015-1017; By P. Phillips, p. 1018-1021; By R. W. Peckham, p. 1028-1031; By Thomas H. Benton, p. 1031-1037; By T. H. Bayly, p. 1042-1045; By T. S. Bocock, p. 1045-1050.

863 ——— President (Pierce). Treaty—United States and Mexico. Message from the President of the United States, transmitting a copy of the treaty between the United States of America and the republic of Mexico, June 20, 1854.

[*Washington, 1854.*] 5 p. 23cm. (33d Cong., 1st sess. House. Ex. doc. 109.) Serial no. 726

In the message Congress is asked for appropriations to make the treaty effective.

1854—GREAT BRITAIN

864 Davis, Agnes M. Reciprocity treaty of 1854.

Women's Canadian historical society, Ottawa. Transactions, 1915, v. 6: 104-112.

865 **Robinson**, Chalfant. A history of two reciprocity treaties: the treaty with Canada in 1854, the treaty with the Hawaiian Islands in 1876, with a chapter on the treaty-making power of the House of representatives.

[*New Haven, Conn., The Tuttle, Morehouse & Taylor press, 1904*] 220 p. fold. map, fold. tab., diagrs. (1 fold.)
23½¹/₂^{cm.}

Bibliographies: p. [78]-82, [157]-160, [176]

5-41966

HF1732.A1R5

866 **Sumner**, Charles. Termination of the Canadian reciprocity treaty. Speeches in the Senate, on the joint resolution giving notice for the termination of the Canadian reciprocity treaty, December 21, 1864, January 11 and 12, 1865.

(*In his Works. v. 9, p. 178-191. Boston, 1874. 20½¹/₂^{cm.}.*)

E415.6.S93,v.9

Citations: Story on the Constitution, vol. 2, sec. 1838; Ware v. Hylton, 3 Dallas, R., 261; The Prize Cases, 2 Black, R., 671; Brown v. The United States, 8 Cranch, 131, 132, 133.

867 **U. S.** 38th Cong., 1st sess. The Congressional Globe.

Washington: Congressional globe office, 1864. 4 pts. 4°.

Steps were taken, but unsuccessfully, during the first session of the thirty-eighth Congress to abrogate the Canadian reciprocity treaty of 1854. For resolutions and discussions, see p. 19, 1387, 2333-2338, 2364-2371, 2452, 2453-2456, 2476-2482, 2482-2484, 2502-2509, and Appendix, p. 119-120.

868 —— 38th Cong., 2d sess. The Congressional Globe.

Washington: Congressional globe office, 1865. 2 pts. 4°.

During the second session of the thirty-eighth Congress a joint resolution was passed authorizing the President to terminate the Canadian reciprocity treaty and to appoint commissioners to negotiate a new treaty.

Action in the House of Representatives, p. 31-33, 35, 265, 267, 276-277, 291.

Action in the Senate, p. 34, 35, 71, 95-97, 204-213, 226-234, 293.

Mr. Collamer (p. 209-210) held that the Canadian treaty was in conflict with the revenue-raising clause of the Constitution, and Mr. Howe (p. 211-212) took issue with this view.

869 —— **Congress. House. Committee on foreign affairs.**

Commercial relations with Canada and other states on the American Continent. Report. July 5, 1884.

[*Washington, 1884.*] 3 p. 23^{cm.} (48th Cong., 1st sess.

House. Report 2149.)

Serial no. 2259

Report on a joint resolution requesting the President to negotiate with the government of Great Britain for the renewal of the reciprocity treaty of 1854.

"The committee . . . in recognition of the fact that the Constitution has prescribed that all measures affecting the revenues of the Government should originate in the House, consider it eminently fit that the House should give expression to its opinion regarding international agreements which may affect such revenues."

- 870 —— *Congress. Senate. Committee on finance.* Reciprocity with Canada. Compilation of documents relating to the proposed agreement of 1911 and to the treaty of 1854, and its subsequent operation.

Washington, Govt. print. off., 1911. [846] p. $22\frac{1}{2}$ cm.

Special message of President Taft, Jan. 26, 1911, with correspondence; H. R. 32216 "An act to promote reciprocal trade relations with the Dominion of Canada . . ." introduced in the House Jan. 28, 1911; Reports and hearings of the Committee on ways and means, etc., etc.

11-16477

HF1732.C2A4 1911c

- 871 **Whitman, William.** Objections to reciprocity on constitutional and practical grounds.

Boston, The Rockwell and Churchill press, 1904. 35 p.
 $2\frac{3}{4}$ cm.

5-22961

HF1731.W6

1867—RUSSIA (Alaska purchase)

- 872 The **Alaska purchase.** A resolution was presented by Mr. Butler of Mass., Dec. 7, 1867, "That so much of the President's message as relates to the payment of money for the Russian possessions which are the subject of negotiation between the several Governments be referred to the Committee on Appropriations. Disagreed to; referred to the Committee on Foreign affairs. The resolution was brought up again, Dec. 9, 1867, and was debated by Nathaniel P. Banks, Robert C. Schenck, Cadwalader C. Washburn, and Elihu B. Washburne.

(In Congressional globe, 40th Cong., 2d sess. pt. 1, p. 92-95.) Dec. 11, 1867 the question was again brought up on a resolution presented by Mr. Washburn of Wisconsin, that any more purchase of territory would be inexpedient. Debated by Cadwalader C. Washburn, Congressional Globe, 40th Cong., 2d sess., pt. 1, p. 135-139; John M. Broomall, p. 139-143; Elihu B. Washburne, p. 143-144.

The purchase of Alaska was again brought up for debate March 14, 1868 and was discussed by William Higby, Congressional globe, 40th Congress, 1st session, pt. 2, pp. 1870-1874, and Cadwalader C. Washburn, pp. 1875-1876. These

debates were principally directed to the treaty-making power. In May 1868 a bill providing for an appropriation to carry into effect the treaty with Alaska was introduced by Nathaniel P. Banks; was not debated until June 30, 1868, when Mr. Banks addressed the committee, his speech was published in the Appendix. William Loughbridge of Iowa, spoke on the question. Congressional globe, 40th Cong., 2d sess., pt. 4, p. 3621-3625; The debate was continued by Mr. Boyer and Mr. Pruyne, their speeches were published in the Appendix, James A. Johnson, of California, spoke on the question, p. 3625-3628; July 1, 1868, the bill was debated by Orange Ferris, James Mullins, Leonard Myers and John A. Peters, p. 3661-3670. The bill was again discussed, July 7, 1868, by William Higby, Dennis McCarthy, Green B. Raum & Rufus P. Spalding, p. 3805-3814. July 10, 1868, Mr. Orth, Mr. Blair and Mr. Cullom obtained leave to have their speeches printed, as part of the debates on the bill. These were published in the Appendix.

July 14, 1868, Mr. Banks, Mr. Schenck, Mr. Stevens of Penn., and Mr. Mungen spoke on the bill, p. 4052-4055. Mr. Banks speech was published in the Appendix.

A report from the committee on conference was presented to the House, July 23, 1868, by Mr. Banks, and was debated by Mr. Loughbridge and others, Congressional globe, 40th Cong., 2d sess. pt. 5, p. 4392-4394.

873 Blaine, James Gillespie. Twenty years of Congress: from Lincoln to Garfield. With a review of the events which led to the political revolution of 1860.

Norwich, Conn., The Henry Bill publishing company, 1884-86. 2 v. front., ports., fold. map. 25^{cm}.

The purchase of Alaska : v. 2, p. 333-339.

2-19439

E661.B63

874 Loughbridge, William. [The rights, the powers, and the constitutional prerogatives of the House of Representatives. Speeches on the House bill making an appropriation of money to carry into effect the treaty with Russia of March 30, 1867.]

Congressional Globe, 40th Congress, 2d session, pt. 4, June 30, 1868, p. 3621-3625; pt. 5, July 23, 1868, p. 4393-4394.

875 Meier, Ernst. Über den Abschluss von Staatsverträgen.

Leipzig, Duncker & Humblot, 1874. xiii, 368 p. 23^{cm}.

"Der Vertrag mit Russland wegen der Abtretung von Alaska, 1868," p. 181-191.

2-18652

JK4171.T5M4

- 876 **Sumner, Charles.** The cession of Russia America to the United States. Speech in the Senate, on the ratification of the treaty between the United States and Russia, April 9, 1867.

(*In his Works*, vol. 11, p. 181-349. Boston, 1877. 20 $\frac{1}{2}$ ^{cm.})

E415.6.S93,v.11

— *Same.*

(*In his Complete works. Statesman ed.*, vol. 15, p. 1-169. Boston, 1900. 23^{cm.})

E415.6.S95,v.15

- 877 **U. S. Congress. House. Committee on foreign affairs.** Report . . . relating to the treaty with Russia, May 18, 1868. [Washington, 1868.] 65 p. 23^{cm.} (40th Cong., 2d sess. House. Report 37.) Serial no. 1357

Report presented by Mr. Banks; treaty-making power discussed, p. 1-12.

Mr. Washburn submitted the views of the minority, treaty-making power discussed, p. 44-51.

- 878 — *Dept. of state.* Message from the President transmitting correspondence in relation to Russian America. February 17, 1868.

[Washington, 1868.] 361 p. 23^{cm.} (40th Cong., 2d sess. House. Ex. doc. 177.) Serial no. 1339

"Probably this treaty stands alone in the history of diplomacy, as an important treaty conceived, and initiated, prosecuted and completed, without being preceded or attended by protocols or despatches." Notes of secretary of state, printed on page 3 of the documents accompanying the President's message.

- 879 **Wharton, Francis.** A digest of the international law of the United States . . . Vol. II.

Washington: Govt. print. off., 1887. (2), 832 p. 23 $\frac{1}{2}$ ^{cm.}

JX237.W5 1887,v.2

"The tendency of the majority of the House was evidently to sanction the Alaska purchase, but to couple the approval of the treaty with a reservation of the right of the House to approve or disapprove in all cases in which the sanction of the House is necessary to execute a treaty" p. 21.

- 880 **Yeaman, G. H.** The treaty-making power.

Nation, Apr. 30, 1868, v. 6:349-350.

AP2.N2,v.8

Discusses the constitutional question arising from the reluctance of the House to make the appropriation for the purchase of Alaska.

1875—HAWAIIAN ISLANDS

881 **Banks**, N. P. Hawaiian treaty. Speech in the House of Representatives, April 10, 1876.

Congressional record, 44th Cong., 1st sess. v. 1, pt. 6, Appendix, p. 25–63. J11.R5,v.4

“ . . . if the House shall negative the legislation necessary to render this treaty effective, in my opinion it will be a nullification of one of the most important powers of the Constitution ” . . . page 63.

Cites various precedents in support of this position.

882 **Kelley**, William D. The Hawaiian treaty.

Congressional record, 44th Cong., 1st session v. 4, pt. 2, March 6, 1876, p. 1495–1498. J11.R5,v.4,pt.2

Attacks the treaty on constitutional grounds and upon the merits of the treaty itself.

883 **Morrill**, Justin S. The Hawaiian treaty.

Congressional record, 44th Cong., 1st sess., v. 4, pt. 6, Aug. 14, 1876, p. 5567–5568. J11.R5,v.4, pt. 6

“ Our Constitution provides that all revenue bills shall originate in the House of Representatives. Where did this bill really originate? Clearly it originated in the State Department, where the treaty was made, and not in the House of Representatives. It is therefore, in my judgment, not only a plain violation of the spirit of the Constitution, but it is of the most vicious character; for if the Executive and the Senate may interfere and make a treaty with so unimportant a kingdom as the Hawaiian Islands, we may make it with all other powers.”

884 —— Hawaiian reciprocity treaty. Speech in the United States Senate, executive session, March 18, 1875.

Washington: Govt. print. off., 1875. 14 p. 23^{cm}.

Regards the treaty as unconstitutional.

885 **Robinson**, Chalfant. A history of two reciprocity treaties: the treaty with Canada in 1854, the treaty with the Hawaiian Islands in 1876, with a chapter on the treaty-making power of the House of representatives.

[New Haven, Conn., The Tuttle, Morehouse & Taylor press, 1904] 220 p. fold. map, fold. tab., diagrs. (1 fold.) 23¹/₂^{cm}.

Bibliographies: p. [78]–82, [157]–160, [176].

5-41966

HF1732.A1R5

886 Thomas, Philip F. The Hawaiian treaty. Speech in the House, May 8, 1876.

Congressional record, 44th Cong., 1st sess., v. 4, pt. 6, Appendix, p. 184-190. J11.R5,v.4,App.

An argument in support of the contention that in the treaty in question the House is competent to judge of its expediency and act accordingly.

887 Tucker, J. R. Hawaiian treaty.

Congressional record, 44th Cong., 1st sess., vol. 4, pt. 4, May 8, 1876, p. 3031-3037. J11.R5,v.4,pt.4

Discusses in part the question of constitutional powers and in part economic considerations involved.

888 U. S. 44th Cong., 1st sess. Congressional record. Vol. 4.

Washington: Govt. print. off., 1876. 8 pts. 4°.

H. R. 612-To carry into effect a convention between the United States and His Majesty the King of the Hawaiian Islands, signed 30th day of January, 1875: Introduced, p. 300; Referred to the committee of ways and means, p. 300; Reported back, considered, and passed by House, p. 1268, 1419-1426, 1461-1465, 1488-1499, 1596-1604, 2270-2281, 2360, 3031-3037; Referred to the Senate committee on foreign relations, p. 3083; Reported back, considered, and referred to the Senate committee on finance, p. 4261; Reconsidered and passed by the Senate, p. 4265, 4266, 5462, 5463, 5485-5491, 5522-5524, 5533-5535, 5563-5572; Approved by the President, p. 5691.

J11.R5,v.4

889 —— Congress. House. Committee on ways and means. Report . . . The bill (H. R. 612) to carry into effect a convention between the United States and His Majesty the King of the Hawaiian Islands, signed on the 30th day of January, 1875. Feb. 24, 1876.

[*Washington, 1876.] 12 p. 23cm. (44th Cong., 1st sess. House. Report. 116.) Serial no. 1708*

"The treaty, in consequence of its abolition of the duty now imposed by law in the United States on the articles enumerated in the schedule, requires an act of Congress to carry it into effect. Unlike most of the treaties made with foreign nations, not only the consent of the House of Representatives is required to give it validity, but the proposition to do so must begin there," p. 3.

890 —— Hawaiian treaty. The views of the minority.

[*Washington, 1876.] 6 p. 23cm. (44th Cong., 1st sess. House. Report. 116, p. 2.) Serial no. 1708*

A discussion of the expediency of the treaty; not of constitutional principles involved.

891 U. S. 47th Cong., 2d sess. Congressional record.

Washington: Govt. print. off., 1882. 5 v. 4°.

S. Res. 122, providing for the termination of the Hawaiian reciprocity treaty of Jan. 30, 1875, introduced by Mr. Morrill, p. 921; referred to committee on finance, p. 1003-1005; reported back with amendment and referred to committee on foreign relations, p. 3322.

J11.R5,v.14

892 —— Congress. House. Committee on finance. Report . . . joint resolution (S. Res. 122) providing for the termination of the reciprocity treaty of Jan. 30, 1875, between the United States of America and His Majesty the King of the Hawaiian Islands. Feb. 27, 1883.

[Washington, 1883.] 8 p. 23cm. (47th Cong., 2d sess. Senate. Report, 1013.)

Serial no. 2088

"The present reciprocity treaty with the Hawaiian islands is obviously adverse to the interests of the United States, and so much more than would now be asked for by Hawaii, that nothing less than its abrogation affords a sufficient remedy. Even those who would prefer a modification merely must see that the first step to that end, or to obtain any satisfactory result, is to wholly abrogate the present treaty. Doubtless the notice of its abrogation might be lawfully given by the President, or it may be done by Congress."

Views of the minority:

"When our Constitution was framed no compact between two different nations such as a reciprocity treaty was known or ever existed; and the power of the President 'with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senate concur,' must be accepted as a limitation of the power to just what was then known and understood to be comprehended by the words 'to make treaties.' The Constitution can not be changed by any modern diplomatic inventions." . . .

"Our Constitution does not lack harmony, and all of its provisions show that it was never intended that the President and the Senate should have even the initiative in regulating trade or commerce.

"A still greater inhibition of this modern shape of the treaty power is found in another provision of the Constitution, which provides that—'All bills for raising revenue shall originate in the House of Representatives; but the Senate may propose or concur with amendments as on other bills.'

"No reciprocity treaty could be made that would not be a direct infraction of this provision of the Constitution, as all such treaties must necessarily curtail the boundaries within which revenues are or can be raised. If such a treaty could be made with one nation it would be possible to make like treaties with all, and thus the power of the

House of Representatives to originate revenue bills would be suspended and frittered away. It does not help the main question in the least to obtain the consent of an existing House of Representatives to pass a law in conformity with or to carry out the provisions of such a treaty. The power of the House to originate revenue bills inheres forever, and no existing House can exercise that power so as to deprive a succeeding House of any of its proper Constitutional functions."

- 893 —— *Congress. Senate. History of Hawaiian treaty and Cuban reciprocity. History of the Hawaiian treaty, with a report to terminate the treaty, signed by Justin S. Morrill, Daniel W. Vorhees, and Nelson W. Aldrich; also a history of the agitation for Cuban reciprocity with the United States, and opinions as to the probable results of Cuban reciprocity, by Charles H. Dietrich. Data and tables compiled by Truman G. Palmer. March 2, 1903.* [Washington, 1903.] 27 p. 23^{cm}. (57th Cong., 2d sess. Senate. doc. 206.) Serial no. 4430

Includes Senate report no. 1013, 47th Cong., 2d sess., from the Committee on finance, with views of the minority on Constitutional principles involved in the Hawaiian treaty.

1883—MEXICO. 1884—SPAIN

- 894 U. S. *Congress. House. Committee on ways and means. Mexican treaty of January 20, 1883. Adverse report. May 25, 1886.* [Washington, 1886.] 52 p. folded map. 23^{cm}. (49th Cong., 1st sess. House. Report. 2615.) Serial no. 2443

"The bill under consideration is intended to give practical effect to the pending commercial treaty between the United States and Mexico. Although the right to negotiate treaties is vested by the Constitution in the President and the Senate, the pending treaty expressly stipulates that it shall not be operative until laws necessary to carry it into execution shall have been passed by the Congress of the United States and the Government of the United Mexican States.

"The purpose and object of this proviso is evident. The treaty pending, being purely commercial and dealing with questions of revenue only, which under the Constitution are subject to the exclusive control of Congress, could not be negotiated or carried into practical effect without affirmative action on the part of the legislative branch of the Government."

Majority report presented by Mr. Maybury, p. 1-7.

Minority report, presented by Mr. Hewitt, p. 15-30.

895 U. S. *Congress. Senate.* Journal of the executive proceedings of the Senate of the United States of America from December 3, 1883, to March 3, 1885, inclusive. Vol. 24. Printed by order of the Senate of the United States.

Washington: Govt. print. off., 1901. 797 p. 23cm.

Resolution to inquire into tariff and revenue features of the Mexican treaty, p. 128; Disagreed to, p. 129.

Resolution to consider the Spanish treaty in open session, p. 385.

1884—HAWAIIAN ISLANDS

896 U. S. *Congress. House. Committee on the judiciary.* Treaty with the Hawaiian islands. Report [by J. R. Tucker from] the committee on the judiciary. March 3, 1887.

[*Washington, 1887.*] 23 p. 23cm. (49th Cong., 2d sess. House. Report, 4177. Serial no. 2501

The body of the committee's report is almost identical with House report no. 2680, 48th Congress, 2d session. These two reports set forth in detail the view which sets a limit on the power of the Senate to make treaties affecting duties levied by Congress.

The report concludes:

“The concurrent bills of both Houses and of the President to the imposition of a duty are substituted by a treaty having the force of law, which imposes the duty despite the dissent of the House, unless President and Senate agree to relinquish it.

“Your committee believe that this is a radical change in the equilibrium of the Constitution, which, unless reversed, will become dangerous to the rights of the people, by promoting the intervention of foreign nations in our domestic policy of taxation, through the agency of a minority of the tax-payers of the country.

“Your committee, therefore, with great respect, recommend the adoption of the following resolutions:

“(1) That the President, by and with the advice and consent of the Senate, cannot negotiate a treaty which shall be binding on the United States, whereby duties on imports are to be regulated, either by imposing or remitting, increasing or decreasing them, without the sanction of an act of Congress; and that the extension of the term for the operation of the original treaty or convention with the Government of the Hawaiian Islands, proposed by the supplementary convention of December 6, 1884, will not be binding on the United States without like sanction, which was provided for in the original treaty and convention, and was given by act of Congress.

“(2) That the President is respectfully requested to withhold final action upon the proposed convention, and to condition its final ratification upon the sanction of an act of Congress, in respect of the duties upon articles to be imported from the Hawaiian Islands.”

1894—JAPAN

- 897 **American journal of international law.** Editorial. The Japanese school question.

American journal of international law, Jan., Apr. 1907, v. 1: 150–153; 449–452.

JX1.A6,v.1

- 898 **Anti-federalist.** The United States can enforce its law.

North American review, Dec. 21, 1906, v. 183: 1239–1250.

AP2.N7,v.183

- 899 **Baldwin, Simeon E.** Schooling rights under our treaty with Japan.

Columbia law review, Feb. 1907, v. 7: 85–93.

- 900 **Barstow, Hollen M.** The treaty power and police regulation.

American lawyer, Jan. 1908, v. 16: 18–25.

Gist of the treaty with Japan.

- 901 **Fort, J. F.** [Extract on the right of a state to enact legislation contravening international treaties] Address at Union League Club celebration.

Chicago legal news, Feb. 27, 1909, v. 41: 243.

New Jersey law journal, Mar. 1909, v. 32: 168–171.

- 902 **Foster, David J.** The treaty power of the government.

Congressional record, 59th Cong., 2d sess., v. 41, pt. 2, Jan. 16, 1907: 1231–1238; Jan. 22, 1907: 1522–1523.

An argument that the United States by treaty stipulation, may relieve the subjects of a foreign power of the disabilities of alienage respecting the public schools.

J11.R5,v.41,pt.2

- 903 **Fulton, C. W.** American schools and Japanese pupils.

North American review, Dec. 21, 1906, v. 813: 1225–1228.

AP2.N7,v.183

- 904 **Gilbert, George E.** The Japanese school question. Speech in the House of Representatives, Feb. 12, 1907.

Congressional record, 59th Cong., 2d sess., v. 41, Appendix: 52–55.

J11.R5,v.41,App.

The treaty-making power of the general government can not invade the reserved rights of the states.

- 905 **Hayes**, Everis A. The treaty-making power of the government and the Japanese question. Speech in the House of representatives, Jan. 23, 1907.

Congressional record, 59th Cong., 2d sess., v. 41, pt. 2: 1579-1583. J11.R5,v.41,pt.2

Holds that "the authority to make a treaty under the Constitution must be discovered by exactly the same process as the authority to pass a statute . . . The provision of the Constitution reserving to the states or to the people all powers not granted to the Federal Government must be just as binding upon the treaty-making power as upon any other branch of the government."

- 906 **Hazeltine**, Mayo W. Would England side with Japan against the United States?

North American review, Dec. 21, 1906, v. 183: 1280-1284. AP2.N7,v.183

- 907 **Hyde**, Charles Cheney. The segregation of Japanese students by the school authorities of San Francisco.

Green bag, Jan. 1907, v. 19: 38-49.

Treats of the subject under the headings, first, whether the treaty of 1894 has been violated, second, the interpretation of the treaty, third, the validity of the treaty, and fourth, the liability of the United States to Japan if the treaty has been violated. Concludes that a treaty is the supreme law of the land.

- 908 **Ignotus** [pseud.] Is the United States a world power?

North American review, Dec. 7, 1906, v. 183: 1107-1119.

AP2.N7,v.183

- 909 **Ion**, Theodore P. The Japanese school incident at San Francisco from the point of view of international and constitutional law.

Michigan law review, Mar. 1907, v. 6: 326-343.

- 910 **Lewis**, William Draper. Can the United States by treaty confer on Japanese residents in California the right to attend the public schools?

American law register, Feb. 1907, v. 55:75-90.

Footnote references to cases.

"If these conclusions are correct, our Federal Government has under the Constitution power to make a treaty with Japan or any other foreign nation giving to the subjects or citizens of the foreign nation residing in one of the States the right to attend the public schools of the State on the same terms as native or naturalized citizens. In the Constitution itself we find nothing to restrain the President from negotiating, and two thirds of the Senate from ratifying such a treaty." p. 88.

911 **Miller**, Shackleford. [Address on the treaty-making power, before the Jefferson school of law.]

Congressional record, 59th Cong. 2d sess., v. 41, pt. 2: 1519-1522.

J11.R5,v.41,pt.2

Asks the question whether the President and Senate can constitutionally make a treaty with Japan that will confer the right on Japanese citizens of California to have themselves and their children educated in the public schools at the public expense, and answers the question in the negative.

912 **Robbins**, A. H. A cloud upon the horizon which threatens our dual form of government.

Central law journal, Feb. 12, 1909, v. 68: 115-117.

Editorial comment on the controversy between the President of the U. S. and California legislature.

913 **Root**, Elihu. The real question under the Japanese treaty and the San Francisco school board resolution.

American journal of international law, Apr. 1907, v. 1: 273-286.

Address before the first annual meeting of the American society of international law.

"The treaty-making power is not distributed; it is all vested in the national government; no part of it is vested in or reserved to the states. In international affairs there are no states; there is but one nation, . . ." p. 278.

"The great question which overshadowed all discussion of the treaty of 1894 was the question: Are the people of the United States about to break friendship with the people of Japan? That question, I believe, has been happily answered in the negative." p. 286.

914 **Sherley**, Swagar. The treaty-making power. Speech in the House of representatives, Jan. 22, 1907.

Congressional record, 59th Cong., 2d sess., v. 41, pt. 2: 1515-1522.

J11.R5,v.41,pt.2

Discusses first, violations of treaty-rights of aliens, and, then the extent of the treaty-making power. Holds that "the reserved powers of the states are a limitation upon the treaty-making power."

Appended is the address of Judge Shackleford Miller.

1897—GREAT BRITAIN

915 **André**, Alexandre. Le traité anglo-américain d'arbitrage de 1897.

Revue générale de droit international public, Nov.-Dec. 1911, v. 18: 654-666.

JX3.R56,v.18

916 U. S. *Treaties, etc., 1893-1897 (Cleveland)* . . . Arbitration with Great Britain. Message from the President . . . transmitting a treaty between the United States and Great Britain for the arbitration of matters in difference between the two countries, signed at Washington, January 11, 1897.

[*Washington, Gov't print. off., 1905*] 33 p. 23^{cm}. (58th Cong., 3d sess. Senate. Doc. 161)

At head of title: Confidential—Executive D—Fifty-fourth Congress, second session.

Signed: Richard Olney. Julian Paunceforte [!]

Injunction of secrecy removed and ordered printed February 14, 1905.

Extracts from the Executive journal of the Senate, February 8-May 5, 1897: p. 8-33.

6-12239

1897—HAWAIIAN ISLANDS

917 Changing the Constitution.

Nation, July 21, 1898, v. 67: 44.

AP2.N2,v.67

With regard to the annexation of Hawaii by joint resolution.

"With the change now made in the Constitution it will require only a bare majority in both Houses of Congress to annex territory in any part of the world."

918 Cooley, Thomas M. Grave obstacles to Hawaiian annexation.

Forum, June, 1893, v. 15: 389-406.

AP2.F6,v.15

919 Schouler, James. Mr. Cleveland and the Senate.

Forum, Mar., 1897, v. 23: 65-74.

AP2.F6,v.23

"The Hawaiian conquest," p. 69.

1901—GREAT BRITAIN (HAY-PAUNCEFOTE TREATY)

920 Anderson, Chandler Parsons. Panama canal tolls. An address on the issues between the United States and Great Britain in regard to Panama canal tolls, as raised in the recent diplomatic correspondence.

Washington [Govt. print. off.] 1913. 11 p. 23^{1/2}cm. ([U. S.] 63d Cong., 1st sess. Senate Doc. 32)

13-35372

HE537.9.T7A7

921 Baty, Thomas. The Panama tolls.

Law magazine and review, Nov. 1912, v. 38: 91-96.

922 ——— Panama tolls question.

Law magazine and review, Mar. 1914, v. 39: 389-396.

- 923 **Cox-Sinclair**, E. S. The international status of the Panama canal.
Law magazine and review, Nov. 1912, v. 38: 1-15.
- 924 **Davis**, George W. Fortification at Panama.
American journal of international law, Oct. 1909, v. 3: 885-908. JX1.A6,v.3
 A reply to Hains's article in the April number, opposed to fortification. Proves by extracts from the Clayton-Bulwer treaty, presidential messages, etc., that the United States has the right to fortify the canal.
- 925 **Dunn**, Russell L. The Panama canal toll and the constitution.
Case and comment, May, 1914, v. 20: 261-273.
- 926 **Dykes**, D. O. The Panama canal and treaty rights.
Juridical review, Jan. 1913, v. 24: 261-273.
- 927 **Elliott**, C. B. A review of the Panama canal tolls controversy.
Minnesota state bar association. Proceedings, 1914. p. 110-124.
- 928 **Escobar**, Francisco. President Roosevelt's message and the canal.
North American review, Jan. 1904, v. 178: 122-132.
 Discusses the treaty-making power and the international law of recognition. AP2.N7,v.178
- 929 **Grahame**, Leopold. The canal diplomacy. Justification for the British protest.
North American review, Jan., 1913, v. 197: 31-39. AP2.N7,v.197
- 930 **Green**, John B. The Panama canal. Trade, treaties and tolls.
Case and comment, Nov., 1913, v. 20: 402-406.
- 931 **Hains**, Peter C. Neutralization of the Panama canal.
American journal of international law, Apr., 1909, v. 3: 354-394. JX1.A6,v.3
 "There can be no doubt that the Hay-Pauncefote treaty was made with a view of neutralizing the canal; if it fails to accomplish this purpose there is still time to correct its defects . . . But it is confidently claimed that the treaty does neutralize the canal . . . and that the construction of fortifications commanding the approaches thereto will destroy neutralization."

- 932 **Kennedy, Crammond.** The canal fortifications and the treaty.
American journal of international law, July, 1911, v. 5:
 620-638. JX1.A6,v.5
 In favor of neutralization of the canal.
- 933 — Neutralization and equal terms.
American journal of international law, Jan., 1913, v. 7:
 27-50. JX1.A6,v.7
 "The United States, having freed itself by the Hay-Pauncefote treaty from certain requirements of the Clayton-Bulwer treaty . . . should see to it that the general principles of neutralization and equal terms, expressly preserved, reaffirmed and reconsecrated as they are in the treaty now in force, shall suffer no impairment in the administration of this self-assumed trust for mankind."
- 934 **Latané, John H.** The neutralization features of the Hay-Pauncefote treaty.
American historical association. Report, 1902, v. 1, p. 289-303. E172.A60 1902,v.1
 A discussion of the general principles involved in term "neutralization."
- 935 — The Panama canal act and the British protest.
American journal of international law, Jan., 1913, v. 7:
 17-26. JX1.A6,v.7
 Treats of the effect of the Hay-Pauncefote treaty on Great Britain's claim for free use of the canal.
- 936 **McGrath, P. T.** The Bond-Hay treaty. A new phase of the Anglo-American dispute.
Nineteenth century and after, June, 1903, v. 53: 924-935. AP4.N7,v.53
- 937 **Olney, Richard.** Canal tolls legislation and the Hay-Pauncefote treaty.
Lawyer and banker, June, 1913, v. 6: 164-171.
- 938 — Panama canal tolls and the Hay-Pauncefote treaty.
 An address on Panama canal tolls legislation and the Hay-Pauncefote treaty, read before the American society of international law.
Washington [Govt. print. off.] 1913. 10 p. 23cm. ([U.S.] 63d Cong., 1st sess. Senate. Doc. 33)
 13-35373 HE537.9.T704

939 **Oppenheim**, Lassa Francis Lawrence. The Panama canal conflict between Great Britain and the United States of America; a study.

Cambridge [Eng.] University press, 1913. 2 p. l., 57, [1] p.
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13-6704

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940 **Panama** canal act. Protest by the British government. American reply.

Canada law times, Feb. 1913, v. 33:77-83.

941 **Richards**, Sir Henry Erle. The Panama canal controversy; a lecture delivered before the University of Oxford on October 25, 1913.

Oxford, The Clarendon press; London, New York [etc.] H. Milford, 1913. 48 p. 23^{cm} .

Appendix: a. Clayton-Bulwer treaty, 1850.—b. Hay-Paunce-fote treaty, 1901.—c. Treaty between the United States and Panama (Hay-Varilla) 1903.

14-5223

HE537.9.T7R5

941a **Robbins**, A. H. Exemption of Panama canal tolls as affecting the Hay-Pauncefote treaty.

Central law journal, Feb. 20, 1914, v. 78:128-129.

942 **Smith**, George B. The Panama canal.

Illinois law review, June, 1912, v. 7: 98-118.

943 **Taylor**, Hannis. Rule of treaty construction. An address on the rule of treaty construction known as rebus sic stantibus: a discussion of the Clayton-Bulwer and Hay-Pauncefote treaties in relation to the Panama canal.

Washington [Govt. print. off.] 1913. 8 p. 23^{cm} . ([U. S.] 63d Cong., 1st sess. Senate. Doc. 31)

13-35371

HE537.9.T7T3

944 **Tower**, Charlemagne. The treaty obligations of the United States relating to the Panama canal.

American philosophical society. Proceedings, Apr. 1913, v. 52: 234-242. Q11.P5,v.52

"Treats historically our obligations in regard to the canal as determined by the various treaties."

945 —— Essays political and historical.

Philadelphia and London, J. B. Lippincott company, 1914. 306 p. map. $21\frac{1}{2}$ ^{cm}.

The treaty obligations of the United States relating to the Panama canal, p. 38-53.

14-18488

JX1395.T6

946 **Treaty** rights in the Panama canal.

Law journal, July 20, 1912, v. 47: 458.

947 **U. S. Dept. of state.** Diplomatic history of the Panama canal.

Correspondence relating to the negotiation and application of certain treaties on the subject of the construction of an interoceanic canal, and accompanying papers.

Washington, Govt. print. off., 1914. xii, 602 p. 23½cm. (63d Cong., 2d sess. Senate. Doc. 474)

Includes a report of the secretary of state, with papers relative to the construction of the Panama canal.

14-30413

JX1398.5.A5 1914

948 ——— History of amendments proposed to the Clayton-Bulwer treaty.

Washington, Govt. print. off., 1911. 31 p. 23½cm. (61st Cong., 3d sess. Senate. Doc. 746)

A brief history of the amendments proposed and considered relative to the Clayton-Bulwer treaty with Great Britain, resulting in the treaty submitted December 14, 1901. Prepared in the Department of state, and sent by Mr. Hay to the Committee on foreign relations.

11-35109

TC773.U7 1911

949 ——— *Treaties, etc.* Canal treaties. Executive documents presented to the United States Senate, together with proceedings by the Senate thereon relative to the Panama canal.

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CONTENTS.—Clayton-Bulwer treaty.—Hay-Pauncelote treaty.—Senate proceedings on the treaty of 1900.—Treaty of 1901.—Ratification of treaty of 1901.—Statement by Secretary Hay.—Hay-Herrán treaty (with Colombia) — Hay-Bunau-Varilla treaty (with Panama)

14-30250

TC774.U6 1914

950 ——— Interoceanic canal . . . the Clayton-Bulwer treaty; the Hay-Pauncelote treaty, with amendments thereto . . . and the treaty that was ratified on December sixteenth, nineteen hundred and one, together with amendments proposed thereto, and the votes.

[*Washington, Govt. print. off., 1901*] 17 p. 23cm. (57th Cong., 1st sess. Senate. Doc. 85)

TC773.U7 1901

————— [*Washington, Govt. print. off., 1902*] 25 p. 23cm. (57th Cong., 1st sess. Senate. Doc. 85.)

4-352-3

TC773.U7 1902

951 U. S. *Treaties, etc.* The Panama canal. Treaties and acts of Congress relating to the Isthmian canal.

Washington [Govt. print. off.] 1914. 55 p. 23cm.

14-30249

TC774.U6 1914a

952 ——— Treaties and acts of Congress relating to the Isthmian canal. (Reprinted from the Annual report of Isthmian canal commission, 1911)

Washington [Govt. print. off.] 1911. 1 p. l., p. 543-581.
23 $\frac{1}{2}$ cm.

11-35029

TC774.U6 1911d

953 ——— Treaties and acts of Congress relating to the Panama canal, 1917.

Washington, Govt. print. off., 1917. 180, xxxviii p. 24 $\frac{1}{2}$ cm.
18-26036

TC774.U6 1917c

954 **Wambaugh**, Eugene. The right to fortify the Panama canal.

American journal of international law, July, 1911, v. 5:
615-619.

JX1.A6,v.5

Concludes that the United States has the right to fortify the canal.

955 **White**, Harold F. The legal aspects of the Panama canal.

Illinois law review, Feb. 1914, v. 8: 442-461.

1902—CUBA

956 **Cullom**, Shelby M. The treaty-making power.

Congressional record, 57th Cong., 1st sess.. v. 35, Jan. 29,
1902, p. 1104-1111.

J11.R5,v.35

957 ——— Trade relations with Cuba. [Speech in the Senate of the United States. Dec. 7, 1903.]

Congressional record, 58th Cong., 2d sess. v. 38, part 1,
Dec. 7, 1903, p. 13-15.

J11.R5,v.38,pt.1

Constitutional discussion regarded as necessary since the Senate has amended the Cuban treaty making it effective only when approved by Congress.

958 **McCall**, Samuel W. Cuban reciprocity. Speech in the House of Representatives, Nov. 19, 1903.

Congressional record, 58th Cong., 1st sess., Nov. 19, 1903,
v. 37, p. 385-387.

J11.R5,v.37

Submits that "if we concede to the Senate the right to pass legislation by treaty and the right to impose taxation by treaty we will have surrendered the last vestige of popular representative government in the United States."

- 959 **Morgan, John T.** [The Cuban treaty and the situation in the Caribbean Sea, the Gulf of Mexico, and other coasts and islands. Speech in the Senate of the United States, Dec. 9, 1903.]
Congressional record, 58th Cong., 2d sess. v. 38, pt. 1, Dec. 9, 1903, p. 72-82. J11.R5,v.38,pt.1
 Points out "some dangers . . . in the assumption by the President of treaty-making powers without the consent of Congress."
- 960 **Morrell, Edward De V.** [The Cuban treaty. Speech in the House of Representatives, Nov. 17, 1903.]
Congressional record, 58th Cong., 1st sess. v. 37, Nov. 17, 1903, p. 309-310. J11.R5,v.37
 "All measures affecting the revenue must emanate in the House of Representatives."
- 961 **Teller, Henry M.** Trade relations with Cuba. Speech in the Senate of the United States, Tuesday and Wednesday, Dec. 8 and 9, 1903.
Congressional record, 58th Cong., 2d sess. v. 38, pt. 1, Dec. 8 and 9, 1903, p. 37-46, 67-72. J11.R5,v.38,pt.1
 Includes an affirmation of the power of the House of Representatives to originate revenue bills, and continues with a discussion of the merits of the treaty.
- 962 **U. S. Congress. House. Committee on ways and means.** Report from the committee on ways and means, to whom was referred the bill (H. R. 1921) to carry into effect a convention between the United States and the republic of Cuba, signed on the 11th day of December, in the year 1902.
 [Washington, 1903.] 4, 3 p. 23^{cm}. (58th Cong., 1st sess. House. Report. 1.) Serial no. 4577
- 963 —— **Senate. Committee on foreign relations.** Jurisdiction of the Senate to act upon reciprocity treaties. Report. Dec. 15, 1902.
 [Washington, 1902.] 3 p. 23^{cm}. (57th Cong., 2d sess. Senate. Doc. 47.) Serial no. 4420
- 964 **Williams, John S.** Cuban reciprocity. Speech in the House of Representatives, Nov. 19, 1903.
Congressional record, 58th Congress, 1st session, v. 37, Nov. 19, 1903, p. 380-385.
 Includes discussion of the constitutionality of the Cuban treaty. J11.R5,v.37

1911—JAPAN

965 American journal of international law. Editorial. The American-Japanese discussions relating to the land tenure law of California.

American journal of international law, July, 1914, v. 8:
571-578. JX1.A6,v.8

966 ——— New Japanese treaty of commerce and navigation.

American journal of international law, Apr., 1911, v. 5: 442-448. JX1.A6,v.5

967 Anti-alien legislation in California. Statements and messages by Gov. Hiram W. Johnson. Comment on California's attitude by eastern investigators.

[*San José, Cal., 1913?*] 18 p. 24^{cm}.

CONTENTS.—Land law enacted by Legislature.—State within its rights.—What of dignity of California?—Governor Johnson's answer to Secretary of state Bryan.—California's side of it [by E. Hungerford, in "Harper's weekly" of June 7, 1913]—Japan in California [by P. C. Macfarlane, in "Collier's" of June 7, 1913]

14-31130

JV6888.C2A7

968 Boyd, James H. Treaty-making power of the United States and alien land laws in states.

California law review, May, 1918, v. 6: 279-294.

969 Butte, George Charles Felix. Die kalifornische Landerwerbsfrage.

München und Leipzig, Duncker & Humblot [1913?] cover-title, p. [171]-186. 23^{cm}.

"Sonderabdruck (nicht im Buchhandel) aus Jahrbuch des Völkerrechts. [II. 2]"

14-22259

JV6888.B8

970 California. Laws, statutes, etc. An act relating to the rights, powers and disabilities of aliens and of certain companies, associations and corporations with respect to property in this state, providing for escheats in certain cases, prescribing the procedure therein, and repealing all acts or parts of acts inconsistent or in conflict herewith. <Approved May 19, 1913.>

[*Sacramento? 1913?*] 2 p. 22¹/₂^{cm}.

13-13634

JX6570.U7C2 1913

971 **Collins**, Charles Wallace. Will the California alien land law stand the test of the Fourteenth amendment?

Yale law journal, Feb. 1914, v. 23: 330-338.

"The California law will in all probability be declared void, because to uphold it would limit the protection of the Fourteenth Amendment to citizens and to those eligible to citizenship."

972 **Dilla**, Harriette M. The constitutional background of the recent Japanese anti-alien land bill controversy.

Michigan law review, May, 1914, v. 12: 573-584.

973 **Gadsby**, John. The Japanese law relating to foreigners' right of ownership of land.

Law quarterly review, Jan. 1914, v. 30: 91-96.

974 **Kawakami**, Kiyoshi Karl, ed. The Japanese question, a symposium.

San Francisco, Cal., The Japanese-American news [n. d.] cover-title, 1 l., 53 p. 23cm.

CONTENTS.—1. Introductory remarks, by K. K. Kawakami.—2. Eye to eye, by B. I. Wheeler.—3. Japan and the United States, by R. L. Wilbur.—4. The Japanese question in America, by W. Macarthur.—5. California and the Japanese, by G. M. Stratton.—6. The United States and Japan, by J. W. Mullen.—7. What the West might learn from Japan, by G. Kennan.—8. America and Japan—War or peace, by J. Jones.—9. The Japanese question in America, by C. K. McClatchy.—10. Treaty obligations, by Hon. E. Root.—11. Lest we forget, by J. Foord.—12. The Pacific coast peril, by F. B. Loomis.—13. The Japanese question in the United States, by W. T. Bonsor.—14. America and race problem, by Rev. C. F. Aked.

A 16-417

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975 **Mahon**, J. The Japanese question.

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976 The new treaty of commerce and navigation [Japanese].

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AUTHOR INDEX

[The numbers refer to the items, not to the pages.]

Abbott, Lyman	253	Barbour, Philip P.	688
Abby, J. T.	68	Barclay, Sir Thomas	8
Adams, Charles Francis	470, 581	Barrett, James T.	261
Adams, Henry	313, 653	Barstow, Hollen M.	900
Adams, John	581	Barthélémy, Joseph	214
Adams, John Quincy, <i>pres. U. S.</i>	254, 744	Bascom, John	262
Aked, C. F.	974	Basdevant, Jules	132a, 132b
Albin, Pierre	1	Baty, Thomas	921, 922
Aldrich, Nelson W.	893	Bayard, James A.	733
Alger, George W.	255	Bayard, James A., 2d	570
Allen, William	744	Bayly, T. H.	862
American Jewish year book	753, 754	Beardsley, Samuel	744
American journal of international law	897, 965, 966, 980-987	Bell, John	794
American remembrancer	582	Bellot, H. H. L.	263
Ames, Fisher	583-587, 638	Benjamin, J. P.	733
Ames, Herman V.	525	Bennett, Edmund H.	548
Ammen, Admiral	810	Benton, Thomas H.	569, 673, 687, 778, 779, 862
Amos, Sheldon	83, 193	Bergbohm, Carl	9, 85
Anderson, Chandler P.	257, 718, 920	Bergh, Albert E.	340
André, Aléxandre	915, 988	Bergson, Jules	52
Anson, Sir William R.	194	Bernard, Mountague	10
Antoine, Ch. F.	35	Bigelow, John	264, 795
Anzilotti, Dionisio	2-4	Bigelow, Melville M.	552, 577
Appert, G.	5	Biklé, Henry W.	265
Archer, William S.	744	Binney, Horace	744
Atlay, J. Beresford	183	Bird, C. B.	266
B	572	Blackstone, Sir William	197
Bache, B. F.	638	Blaine, James G.	873
Bacon, Arthur	195	Blair, Austin	872
Bacon, Augustus O.	259, 990, 991	Blount, Thomas	638
Bagehot, Walter	196	Bluntschli, Johann K.	11, 12
Baker, Andrew J.	526	Bocock, T. S.	862
Baker, Sir George S. bart.	6, 50	Boeck, Ch. de	29
Balch, Thomas W.	992	Bohm, Leopold, <i>graf von</i>	143
Baldwin, Simeon E.	260, 899	Bonfils, Henry J. F. X.	13
Bancroft, George	472	Bonsor, W. T.	974
Banks, Nathaniel P.	872, 877, 881	Bonucci	14
Barbé-Marbois, François, <i>marquis de</i>	654	Borchard, Edwin M.	36
Barbeyrac, Jean	7	Borchardt, Felix	15
Barbour, James	688	Borden, R. L.	273
		Bouldin, T. T.	744
		Bourgeois, Ferdinand	198

Bourne, E. G.	495	Claiborne, N. H.	744
Boutell, Henry S.	691, 692	Clancy, Charles S.	276
Boutwell, George S.	527	Clay, Henry	726, 746, 780
Boyce, William W.	862	Clayton, A. S.	744
Boyd, James H.	267, 968	Clayton, J. C.	277
Boyer, B. M.	872	Clayton, John M.	733, 796, 797, 821
Brant, R. W.	54a	Clingman, Thomas L.	798
Breckenridge, John	658	Clunet, Edouard	202
Brodhead, Richard	733	Cobbett, Pitt	22
Broomall, John M.	872	Cobbett, William	589-591
Bryan, Henry L.	449	Cocke, William	658
Bryant, Edwin E.	528	Cockes, William A.	278
Bryce, James, <i>viscount</i>	529	Coleman, William C.	279
Buonamici, Francesco	16	Collamer, Jacob	437, 733
Burges, T.	744	Collins, Charles W.	971
Burgess, John W.	199, 263	Comegys, Joseph P.	799
Burr, Charles H.	269	Conway, Eustace	23
Burton, Theodore E.	993, 994	Conway, Moncure D.	592
Butler, Charles Henry	200,	Cooley, Thomas McI.	659, 918
	270, 271, 473, 490, 491	Corwin, Edward S.	280-283, 531
Butler, Pierce	588	Coudert, Frederic R.	24
Butte, Georg C. F.	969	Coulter, R.	744
Cadwalader, John L.	272, 440, 454	Courtney, L. H. C. <i>1st baron</i>	203
Caius. <i>See</i> Carey, Mathew.		Cox, Homersham	204, 205
Calhoun, John C.	530,	Cox-Sinclair, E. S.	923
	680, 688, 767, 770, 783	Coxe, Brinton	532
California. <i>Laws, statutes, etc.</i>	970	Crailk, Sir Henry	233
Callahan, James M.	693, 694	Cralle, Richard K.	530
Calonne, Alphonse de	17	Crandall, Samuel B.	25, 206,
Calvo, Carlos	18		207, 284, 285, 474
Calwer, Richard	19	Crapo	810
Cambreleng, C. O.	744	Creasy, Sir Edward S.	26
Camillus [pseud.] <i>See</i> Hamilton, Alexander.		Crittenden, John J.	733
Campbell, A. C.	48	Croswell, Simon G.	286
Campbell, George W.	688	Cullom, Shelby M.	287,
Canada. <i>Dept. of external affairs</i>			765, 872, 956, 957
Capelle, Léon	273	Currey, John	288
Carey, Mathew	132b	Curtis, George T.	533
Cass, Lewis	582	Cushing, Caleb	289, 729
Cato [pseud.] <i>See</i> Livingston, R. R.	733	Cuthbert, Alfred	688
Cattell, J. McK.	20	D., A. J.	290
Cavalcanti, Amaro	201	Dahlgren, Madeleine V.	274
Cavarretta, Giuseppe	21	Dallas, Alexander J.	593-595
Chambrun, Charles A. de P. marquis de	274, 275	Dallas, George Mifflin	208
Chambrun, Pierre de	275	Dana, Samuel W.	570, 655
Charles, Garfield	457	Dauzat, Albert	27, 209
Chilton, Thomas	744	Davis, Agnes M.	864
Chitty, Joseph	167	Davis, Garrett	704
Choate, Rufus	772, 773	Davis, George B.	28
		Davis, George W.	924
		Davis, J. C. Bancroft	291-
			293, 453, 455
		Dawson, Henry B.	304

Day, Clive	446	Fessenden, W. P.	733
Dayton, Jonathan	658	Field, David D.	781
Delawarean, <i>pseud.</i> See Co- megys, J. P.		Finch, George A.	996
Demombynes, Gabriel	210	Fiore, Pasquale	35, 36
Dennis, William C.	995	Fish, Carl R.	37, 307
Depew, Chauncey M.	565	Fisk, George M.	38, 768
Descamps, E. E. F. <i>baron</i>	132a, 132b	Fleming, William H.	308
Despagnet, F. C. R.	29	Flood, E. C.	309
De Sumichrast	242	Foley, John P.	341, 612
Deylein, Robert T.	294	Foord, J.	974
Dickey, Francis W.	30	Foot, S.	733
Dietrich, Charles H.	893	Ford, Paul Leicester	305, 388, 495, 575, 611, 644, 663
Dilla, Harriette M.	972	Ford, Worthington C.	580, 640
Dillon, John M.	371	Forsyth, John	688, 690
Dodd, Walter F.	211	Fort, John F.	310, 901
Donati, Donato	31	Foster, David J.	763, 902
Douglas, Stephen A.	800	Foster, John W.	39, 311, 312, 695, 706
Drucquer, M. N.	50	Foulke, Roland R.	40
Du Bouzet, Ch.	32	Franklin, <i>pseud</i>	589, 598
Duer, William A.	534, 535	Fromentin, Eligius	688
Dunn, Russell L.	925	Fulton, C. W.	903
Dupriez, Léon	212, 213	Furber, George P.	434
Duwalt, G. W.	296	Gadsby, John	973
Dykes, D. O.	926	Gallatin, Albert	313, 570, 599-602, 638, 782
E	297	Gaston, William	688
Eads, James B.	810	Geffcken, F. H.	41, 52
Easton, Rufus	688	Gholson, Thomas, jr.	688
Edmond, William	570	Gibbs, George	603
Edwards, P. L.	660	Giddings, Joshua R.	862
Egert, B. P.	755	Gilbert, George E.	904
Eliot, Edward C.	298	Giles, William B.	604, 638
Elliot, James	657	Gilpin, Henry D.	368, 502
Elliot, Jonathan	299, 300, 492, 501, 596, 661, 681	Glenn, Edwin F.	43
Elliott, Charles B.	301, 927	Glier, L.	44
Ellsworth, Oliver	493, 494, 597	Gneist, Rudolf von	216
Erich, Rafael	33	Goddard, Calvin	655, 656
Escobar, Francisco	928	Gold, Thomas R.	688
Esmein, Adhémar	214	Goodhue, Benjamin	571
Evarts, William M.	302	Gordon, William	570
Everett, Edward	740, 744, 801	Gorius, Fr.	217
Ewald, Alexander C.	215	Gould, John M.	541
Fairlie, John A.	303	Grahame, Leopold	929
Falconer, Wm. A.	495	Graydon, William	314
Farra, R. A.	34	Gt. Brit. <i>Foreign office</i>	45, 218
Farrand, Max	518	· <i>Treaties, etc.</i>	605
Farrar, Timothy	526	Green, John B.	930
Farwell, Nathan A.	704	Gregory, Charles N.	120, 316
Fauchille, Paul	132b	Griffith, William	46
Federalist	304-306, 495	Griswold, Roger	606, 655, 656, 657, 666
Fenwick, C. G.	166	Grotius, Hugo	47, 48
Ferris, Orange	872		

Gulick, S. L.	317	Hyde, Charles Cheney	60,
H., S. R.	318		331-333, 907, 997
Hains, Peter C.	924, 931	Idman, K. G.	61
Hale, J. P.	733	Ignotus [pseud.]	908
Hall, J. P.	319	Imberg, Kurt E.	334
Hall, William E.	49	Ingraham, Edward D.	167
Halleck, Henry W.	50	Institute of international law	62
Hamilton, Alexander	304-306, 320- 323, 495, 496, 497, 582, 607, 608	Ion, Theodore P.	63, 909
Hamilton, Alexander	324	Iredell, James	498
Hanson, Alexander C.	688	Jackson, George	658
Hardin, Benjamin	688, 744	Jackson, Mrs. Helen M. F. Hunt	573
Hare, John I. C.	537	Jacomet, Robert	64
Harris, George W.	365	Jameson, J. F.	508
Harrison, Benjamin, pres. U. S.	538	Jay, John	304-306, 335, 336, 495
Hart, Albert B.	328, 539	Jefferson, Thomas, pres. U. S.	337-
Hartmann, Adolf	51		342, 574, 575, 610-612,
Haswell, John H.	455		643, 644, 662-664, 666
Haven, Solomon G.	862	Jellinek, Georg	65
Hayden, R.	325	Jenks, Edward	230
Hayes, Everis A.	905	Jérez, Maximo	810
Hazeltine, Mayo W.	906	Jèze, Gaston	343, 495
Heffter, August W.	52	Johnson, Hiram W.	967
Helvidius [pseud.] See Madi- son, James.		Johnson, James A.	872
Henriques, H. S. Q.	756	Johnson, Reverdy	704
Hepp, François	53	Johnson, R. W.	733
Herbette, Maurice	1	Johnson, Richard M.	744
Herod, Joseph R.	54	Johnston, Henry P.	335
Hershey, Amos S.	720	Johnston, Richard H.	340
Hertslet, Sir Edward	54a, 54b, 219	Jones, François S.	344
Hewitt, Abram S.	894	Jones, G. W.	733
Higby, William	872	Jones, J.	974
Higgins, A. P.	49	Jones, J. Glancy	862
Hill, David Jayne	48, 326, 327	K., I. L.	769
Hill, Mabel	328	Kappler, Charles J.	445
Hodgins, Thomas	243, 719, 720	Kasson, John A.	345, 346
Holland, Thomas E.	55	Kaufmann, Erich	67
Hollins, Capt.	827	Kawakami, K. K.	974
Holls, Frederick W.	56	Keasbey, Lindley M.	802-804
Holmes, O. W., jr.	541	Keith, Arthur B.	244-246
Holst, Hermann E. von	329, 540, 783	Kelley, William D.	882
Holtzendorff, F. J. W. P. von	57	Kellogg, Frank B.	347
Hopf, Jules	92, 93	Kennan, J.	974
Hopkinson, Joseph	688	Kennedy, Crammond	932, 933
Hornbeck, Stanley K.	53, 58, 446	Kent, James	68, 541
Hosack, John	59	King, Charles R.	613
Howe, Timothy O.	437	King, Rufus	613, 688, 689
Huger, Benjamin	655, 688	Kittera, John W.	570
Hungerford, E.	967	Klüber, Johann L.	69
Hunt, Charles H.	609	Kohler, Josef	14
Hunt, Gaillard	330, 370, 517	Kouomanoudi, Constantin	70
Hunt, Harry E.	696	Kuhn, Arthur K.	348, 758
		Laband, Paul	220
		Laghi, Ferdinando	71

Lantsheere, de	213	Maclay, William	364, 365
Lapradelle, Albert de	166, 221	McMaster, John B.	507, 620, 666
Lardy, C.	11	Macon, Nathaniel	688
Latañé, John H.	934, 935	Madison, James, pres. U. S.	304-306,
Lawrence, Abbott	822	320, 330, 366-370, 482, 501,	
Lawrence, Thomas J.	73, 74	502, 517, 621, 622, 638, 650	
Lawrence, William	349	Mahon, J.	975
Lawrence, William Beach	350, 654, 770	Maine, Sir H. J. S.	82
Leake, Walter	351	Mallory, S. R.	733
Lee, Arthur	481	Malloy, William M.	450, 457
Lee, Charles	614, 615	Maney, George	849
Lee, Richard Henry	499, 500	Mann, James R.	698
Lee, Sidney	222	Manning, William O.	83
Lehr, Ernest	75	Marcus [pseud.] See Iredell, James	
Léo, Alfred	84	Marshall, John	371, 576, 611, 623
Leoni, A.	76	Marshall, Louis	759, 764, 765
Levermore, Charles H.	697	Martens, F. F.	84, 85
Levi, Leone	77	Martens, Georg F. von	86-94
Lewis, William D.	197, 352, 910	Mason, Alfred B.	540
Lincoln, Enoch	353	Mason, George	498, 512
Lipscomb, Andrew A.	340	Mason, J. M.	733
Liszt, Franz von	78	Massachusetts. <i>Convention</i> ,	
Littlefield, Charles E.	354	1788	503, 504
Livingston, Edward	609, 616, 638	Maxey, Edwin	95
Livingston, Robert R.	582, 617	Maybury, W. C.	894
Lodge, Henry Cabot	306, 322, 355-357, 407, 495, 998-1000	Meier, Ernst	96, 373, 624, 667, 683, 741, 771, 875
Loomis, F. B.	974	Mérignac, Alexandre	97
Lorimer, James	79	Michon, Louis	223, 374
Loughbridge, William	358, 872, 874	Mikell, William E.	375
Love, James	744	Mill, J. S.	98
Low, A. Maurice	359, 360, 378	Miller, Samuel F.	483, 544, 668
Lowndes, William	688	Miller, Shackelford	376, 911
Ludwig, Ernest	80	Mills, Elijah H.	688
Lynnan, Theodore	361, 566, 618, 645, 649, 665, 682	Millson, John S.	862
Lyon, Asa	688	Milovanović, M.	99, 99a
Lyons, Lord	706, 707	Mitchell, Samuel L.	656, 657
McAadoo, William G.	764	Miyakawa, Masuji	377
Macarthur, W.	974	Moody, William H.	378
McCall, Samuel W.	362, 958	Moore, John Bassett	100, 271, 379-381, 805
McCarthy, Dennis	872	Moore, S. McD.	744
McClain, Emlyn	542, 543	Moore, William H.	224
McClatchy, C. K.	974	Moran, Francis	467
McDermott, Hugh F.	730	Moreau, F. P. L.	225
Macdonnel, John	247	Morey, William C.	382
Macdonell, Sir John	81	Morgan, John T.	383, 959
Macfarland, H. B. F.	363	Morine, Alfred B.	723, 724
Macfarlane, P. C.	967	Morrell, Edward De V.	960
McGrath, P. T.	721, 722, 936	Morrill, Justin S.	384-386, 883, 884, 893
McHenry, James	619	Morris, Gouverneur	671
McKean, Thomas	564		
Maclay, Edgar S.	364		

- Morris, Heman W----- 387
 Moser, Johann J----- 101
 Münch, Hans----- 102
 Muhlenberg, Frederick A----- 625
 Mullen, J. W----- 974
 Mullins, James----- 872
 Mungen, William----- 872
 Munro, William B----- 495
 Munroe, J. E. C----- 103
 Murhard, Frederick W. A----- 90, 91
 Myers, Denys P----- 104, 105
 Myers, Leonard----- 872
 Nelson, Henry L----- 388, 389
 New York (*State*) *Convention*,
 1788----- 505
 Neyron, Peter J----- 106
 Nicholas, John----- 570
 Nicholas, Wilson C----- 658, 669
 Nicholson, Joseph H----- 656, 657
 Nippold, Otfried----- 107
 Noailles, Jules C. V. *duc de*----- 545
 Nys, Ernest----- 108, 109
 Ogden, Rollo----- 392, 393
 Olivi, Luigi----- 110
 Olney, Richard----- 111,
 806, 916, 937, 938
 Oncken, A----- 112
 Onís, Luis de----- 727, 728
 Oppenheim, Lassa F. L----- 113, 114, 939
 Orth, G. S----- 872
 Otis, Harrison G----- 570
 Ottley, Henry----- 226
 Pacificus [*pseud.*] *See* Hamilton, Alexander.
 Paignon, Eugène----- 115
 Paine, Robert T----- 394
 Palmer, Truman G----- 893
 Palmer, Walter B----- 446
 Palmerston, Lord----- 822
 Paschal, George W----- 546
 Patterson, Christopher S----- 395, 547
 Patterson, William----- 506
 Pauncefote, Julian----- 916
 Pax [*pseud.*] *See* McDermott,
 H. F.-----
 Peckham, R. W----- 862
 Penaud, Édouard----- 169-171
 Pennsylvania. *Historical so-*
 *ciet*y----- 507
 Peter Porcupine, *pseud.* *See*
 Cobbett, William.
 Peters, John A----- 872
 Pflaum ----- 116
 Phelps, S. L----- 810
 Philbert, V----- 117
 Phillimore, G. G----- 118
 Phillimore, Sir R. J. *bart*----- 119
 Phillimore, Sir Walter G. F. *bart*----- 120
 Phillips, P----- 862
 Phillipson, Coleman----- 121, 152
 Pic, P----- 122
 Pickens, F. W----- 744
 Pickering, Timothy----- 626, 658, 666, 688
 Pierce, Franklin----- 396
 Pierre, Eugène----- 227
 Pinckney, Charles----- 508, 582
 Pinkney, William----- 684-686, 688
 Pitkin, Timothy----- 627
 Pomeroy, John N----- 548
 Ponsonby, A. A. W. H----- 123
 Pradier-Fodéré, Camille----- 125
 Pradier-Fodéré, P. L. E----- 124, 125
 Prudhomme, A----- 126
 Pruyn, J. V. S. L----- 872
 Pufendorf, Samuel, *freiherr*
 von----- 127-131
 Purviance, Samuel D----- 657
 Putney, Albert H----- 398
 Quabbe, Georg----- 132
 Ramsay, David----- 509
 Randolph, Carman F----- 399
 Randolph, Edmund----- 510, 592, 628-630
 Randolph, John----- 635, 656, 657, 688
 Rankin, Robert R----- 631
 Raum, Green B----- 872
 Rawle, William----- 549
 Raynall, G. T. F----- 567
 Reeder, Robert P----- 547
 Reeves, Jesse S----- 792
 Renault, Louis----- 132a-132b
 Reynolds, James B----- 688
 Rice, Allen T----- 810
 Richard, Henry----- 133
 Richards, Sir Henry E----- 941
 Richardson, Hamilton P----- 511
 Rivier, Alphonse P. O----- 134
 Robbins, A. H----- 912, 941a
 Roberts, Jonathan----- 688
 Robertson, David----- 523
 Robertson, John----- 744
 Robertson, Thomas B----- 688
 Robinet de Cléry----- 229
 Robinson, Chalfant----- 401, 402, 865, 885
 Rodney, Caesar A----- 657
 Rogers, Henry W----- 403
 Rolin-Jaequemyns, M. G----- 135

Root, Elihu	913, 1001	Stone, Frederick D.	507
Root, Erastus	688	Story, Joseph	413, 552, 577, 672
Rowland, Kate M.	512	Stratton, G. M.	974
Rüttimann, Johann J.	404	Straus, Oscar S.	764, 765
Ruyssenaers, L. H.	132b	Stuart, C. E.	733
Salvioli, Gabrielle	136	Stuart-Linton, C. E. T.	250
Samwer, Charles	93	Sulzberger, Mayer	764, 765
Satow, Sir Ernest M.	140	Sulzer, William	761, 762, 764
Saulsbury, Willard	704	Sumner, Charles	701, 704, 732, 733, 866, 876
Scala, Rudolf von	141	Sutherland, George	553
Scammell, E. H.	699	Sutherland, J. B.	744
Scelle, Georges	1002	Sutherland, William A.	554
Schenck, Robert C.	872	Tariff commission, <i>London</i>	154
Scherer, James A. B.	977	Taylor, Hannis	155, 414, 943
Schiley, William	744	Taylor, John	658, 688
Schmalz, T. A. H.	142, 143	Teller, Henry M.	415, 961
Schmidt, Bruno	144	Teubern, Ernest G. <i>freiherr von</i>	156
Schoen	145	Thatcher, Samuel	657
Schouler, James	632, 670, 919	Thayer, James B.	555
Schrault, Max von	146	Thomas, Philip F.	886
Schuylер, Eugene	405, 731	Thompson	810
Scott, E. H.	516	Thompson, B. M.	416
Scott, James B.	147	Thompson, Joseph P.	157
Sedgwick, Theodore	633, 638, 784	Thorpe, Francis N.	556
Seligmann, Ernst	148	Throop, Enos T.	688
Sergeant, Thomas	550, 551	Tiffany, Joel	557
Sewall, Samuel	570	Todd, Alpheus	231, 232, 251
Seward, William H.	706, 707, 733	Toombs, R.	733
Sheffey, Daniel	688	Toucey, L.	733
Shepheard, Wallyn P. B.	149	Tower, Charlemagne	944, 945
Sherley, Swagar	914	Traill, Henry D.	233
Sherman, Gordon E.	28, 150, 1003	Tracy, Uriah	658
Sherwood, H. L.	54a	Travis, Ira D.	808
Sisson, Thomas U.	978, 979	Trescot, William H.	568, 635, 646
Skelton, Oscar D.	151, 248	Triepel, Heinrich	94, 160
Smilie, John	656	Tryon, James L.	1005
Smith, Sir Frederick E. bart	152	Tucker, Henry St. G.	688
Smith, George B.	942	Tucker, Henry St. George	283, 422-424, 484a, 558, 559
Smith, Gerrit	861, 862	Tucker, John Randolph	559, 887, 896
Smith, Goldwin	249, 495	Tucker, St. George	560
Smith, Hoke	1004	Tupper, Sir C. H.	252
Smith, Samuel	570	Twiss, Sir Travers	161, 235
Smith, William Alden	700	Ullmann, Emanuel, <i>ritter von</i>	162
South Carolina. <i>Constitution</i>	484	United States:	
Spalding, Rufus P.	872	<i>Bureau of rolls and library</i>	514
Sparks, Jared	441, 442, 579, 639, 671	<i>Bureau of statistics (Treas-</i>	
Spear, Samuel T.	408-411, 513	<i>ury dept.)</i>	425, 426
Squier, Ephraim G.	807	<i>Bureau of trade relations</i>	163
Stanford, Richard	688	<i>Congress</i>	569
Stephen, Henry J.	230		636, 673, 687, 743, 785
Stevens, Thaddeus	872	<i>1st Cong.</i>	578
Stidham, Mrs. Clara H. Kerr	412		
Stoerk, Felix	153		

- United States. *Congress*—Continued.
- | | | |
|--|--------------------|---|
| <i>4th Cong.</i> | 637, 638, 651, 652 | Veto, <i>pseud.</i> <i>See Sedgwick,</i>
Theodore. |
| <i>5th Cong.</i> | 570, 571 | Viallate, Achille |
| <i>8th Cong.</i> | 674, 675 | Vincent, René |
| <i>14th Cong., 1st sess.</i> | 688, 689, 690 | Viner, Jacob |
| <i>15th Cong., 1st sess.</i> | 702 | Virginia. <i>Convention</i> , 1788 |
| <i>23d Cong., 2d sess.</i> | 744 | 522, 523 |
| <i>29th Cong.</i> | 787 | Visser, L. E. |
| <i>33d Cong., 1st sess.</i> | 862 | Vogels, Aloys |
| <i>34th Cong.</i> | 733 | Vorhees, Daniel W. |
| <i>38th Cong., 1st sess.</i> | 703, 867 | Vosberg-Rekow, Max |
| <i>38th Cong., 2d sess.</i> | 437, 704, 868 | Wade, B. F. |
| <i>44th Cong., 1st sess.</i> | 888 | Walker, R. J. |
| <i>46th Cong., 2d sess.</i> | 438 | Walker, Robert J. |
| <i>47th Cong., 2d sess.</i> | 891 | Walker, Thomas A. |
| <i>House</i> | 427 | Walpole, Sir Spencer |
| <i>Comm. on finance</i> | 892 | Wambaugh, Eugene |
| <i>Comm. on foreign af-</i> | | Washburn, Albert H. |
| <i>fairs</i> | 428–431, 745, | Washburn, Cadwalader C. |
| <i>762–764, 809–812, 869,</i> | 877 | Washburn, Israel |
| <i>Select com. on the inter-</i> | | Washburne, Elihu B. |
| <i>oceanic ship canal</i> | 813 | Washington, Bushrod |
| <i>Comm. on the ju-</i> | | Washington, George, <i>pres. U. S.</i> |
| <i>diciary</i> | 432, 896 | 579, 580, 623, 639, 640 |
| <i>Comm. on ways and</i> | | Washington, H. A. |
| <i>means</i> | 433, 889, 894, 962 | 337, 574, 610, 643, 662 |
| <i>Senate</i> | 236, | Watkins, Tobias |
| <i>484, 489, 647, 814, 893, 895</i> | | Watmough, J. G. |
| <i>Comm. on finance</i> | 870 | Watson, David K. |
| <i>Comm. on foreign rela-</i> | | Waultrin, René |
| <i>tions</i> | 435, 436, | Wayne, J. M. |
| <i>725, 734, 746, 765, 772,</i> | | Webb, William H. |
| <i>773, 786, 815–817, 963</i> | | Webster, Daniel |
| <i>Constitutional convention,</i> | | Webster, Noah |
| <i>1787</i> | 515–521 | Webster, Sidney |
| <i>Continental congress</i> | 485–488 | Wehberg, Hans |
| <i>Dept. of state</i> | 164, 237, 440– | Weil, Bruno |
| <i>444, 489, 676, 705–707, 735–737,</i> | | Weller, J. B. |
| <i>747–749, 818–853, 878, 947, 948</i> | | Wells, William H. |
| <i>Laws, statutes, etc.</i> | 445 | Wells, William V. |
| <i>Navy dept.</i> | 708, 854 | Westlake, John |
| <i>President</i> | 709–714, | Wharton, Francis |
| <i>750, 751, 766, 855, 856, 857, 863</i> | | 180, 181 |
| <i>See also names of Presi-</i> | | Wheaton, Henry |
| <i>dents.</i> | | 183, 770, 742, 775, 777 |
| <i>Tariff commission</i> | 446, 447 | Wheeler, B. I. |
| <i>Treasury dept.</i> | 774 | Wheeler, Everett P. |
| <i>Treaties, etc.</i> | 448–458, 677, 678, | White, Harold F. |
| <i>793, 858, 859, 916, 949–953, 1006</i> | | White, Samuel |
| <i>Usher, Roland G.</i> | 1007 | Whiting, William |
| <i>Van Buren, Martin</i> | 788 | Whitman, William |
| <i>Vattel, Emmerich de</i> | 166, 167 | Whitney, Edward B. |
| <i>Vergé, Ch</i> | 168 | Wickersham, George W. |

Wicquefort, Abraham van-----	184	Wolff, Christian, <i>freiherr von</i> -----	185-187
Wilbur, R. L.-----	974	Woodburn, James A.-----	466, 467
Wild, Robert-----	717	Woodbury, Levi-----	791
Wilde, Richard H.-----	688	Woolsey, Theodore D.-----	188
Williams, John-----	638, 641	Woolsey, Theodore S.-----	188, 468
Williams, John S.-----	964, 1009	Works, John D.-----	1010
Williams, Mary W.-----	860	Wright, Quincy-----	189, 190
Willoughby, Westel W.-----	563	Wright, Robert-----	658, 688
Willson, Beckles-----	464	Wurm, C. F.-----	191, 776
Wilson, Benjamin-----	811	Wyse, Francis-----	469
Wilson, George G.-----	64	Wythe, George-----	470, 472, 481
Wilson, Henry-----	704	Yates, Robert-----	520
Wilson, James-----	564	Yeaman, G. H.-----	880
Wilson, Woodrow, <i>pres.</i> U. S.-----	465	Zimmermann, Alfred-----	777
Wolcott, Oliver-----	603, 642	Zorn, Ph.-----	240

SUBJECT INDEX

[The numbers refer to the items, not to the pages.]

In addition to the references given under certain items such as President, Senate, etc., which relate to special articles only, the reader should also consult the general treatises in the sections on Treaty-making power in the United States (items 253-364).

Abrogation of treaties:	Arbitration treaties----- 111, 178
<i>See</i> Termination of treaties; U. S.	Brazil ----- 201
Treaties: Denmark, 1826;	France ----- 227
France, 1778; Gt. Brit., 1817; Gt.	U. S. ----- 236,
Brit., 1850; Gt. Brit., 1854; Rus-	253, 334, 354, 363, 379, 381,
sia, 1832.	394, 414, 457, 915, 916, 980-1010
Agreements ----- 12,	List of ----- 451
13, 18, 22, 39, 84, 85,	Austria-Hungary:
110, 140, 160, 167	Commercial treaties 219, 446, 447
U. S. ----- 261,	Treaty-making power 206,
282, 285, 331, 381, 457	207, 210, 218, 223, 236
Alaska purchase----- 872-880	Baden ----- 218
Algiers, Treaty, U. S., 1795--- 643-648	Balkan states ----- 207
Alien land laws----- 296,	Bavaria ----- 218
965-979	Belgium ----- 206, 207,
Aliens, Rights of, and treaties--- 95,	210, 212, 213, 218, 223, 235, 237
224, 285, 289, 317, 372, 562	Brazil:
<i>See also</i> U. S. Treaties: Ja-	Arbitration treaties 201
pan, 1894; Japan, 1911.	Treaty-making power 237, 285
Alliances ----- 33,	Bulgaria ----- 210, 218
52, 57, 101, 113, 166,	Canada:
167, 185-187, 221, 285	Commercial treaties 446, 447
Bibliography ----- 33	Most-favored nation trea-
Anglo-American treaties----- 264	ties 151, 248
Bibliography ----- 264	Treaties, United States 273
<i>See also</i> Clayton - Bulwer	Treaty-making power 241-252
treaty; Panama canal	Cancellation of treaties:
question; and U. S. Treat-ies: Gt. Brit.	<i>See</i> Termination of treaties.
Annexation, Treaties of:	Central American affairs:
<i>See</i> Territory, Acquisition or cession of, by treaty.	<i>See</i> Clayton-Bulwer treaty.
Annulment of treaties:	Chile ----- 207, 237
<i>See</i> Termination of treaties.	Classification of treaties----- 12, 97
Appropriation, Treaties involv-ing ----- 285,	Clayton - Bulwer treaty,
411, 412, 544, 654-658, 861-863	1850 ----- 73, 794-860
<i>See also</i> U. S. Treaties:	Bibliography ----- 795, 808, 860
France, 1803; Mexico, 1853; Russia, 1867.	Coasting trade----- 114
914	Colonies, Gt. Brit.----- 241-252
	Commercial treaties----- 32, 38,
	52, 78, 84, 85, 97, 112-114,
	117, 146, 168, 170, 173, 174,
	285, 286, 337, 368, 381, 405, 418,
	446, 447, 461, 470, 480, 485, 498

- Commercial treaties—Continued.
 Collection of, general_____ 219
 U. S._____ 322, 323, 425–430, 457,
 500, 507, 510, 537, 540, 544, 562
 See also Most-favored nation
 treaties; Reciprocity treat-
 ties.
- Confederate states of America_____ 200, 424
- Confederation, 1774–1787, Treaties and treaty-making power
 under _____ 322, 323, 470–489
- Congress:
 Duty to enforce treaties____ 285, 462
 Legislation to give effect to
 treaties_____ 6, 285, 313
 Power to abrogate treaties____ 415
 Rights of, concerning
 treaties_____ 285,
 329, 350, 387, 409, 411, 439
 See also House of Repre-
 sentatives; Senate.
- Constitution, Treaties subordi-
 nate to_____ 399
- Constitutional aspects of treaty-
 making power_____ 6,
 190, 257, 265, 268, 283, 285,
 286, 287, 291, 292, 294, 310,
 312, 326, 327, 345, 349, 354, 400,
 411, 423, 468, 525–564, 582, 595
- Consular officers, Rights under
 treaties_____ 24, 80, 285
- “Convention,” definition____ 285, 381
- Conventions, U. S. Compilation
 of_____ 451–457
- Copyright treaties____ 57, 285
- Costa Rica_____ 237, 285
- Cuba:
 Treaties, U. S. 1902____ 956–964
 Treaty-making power____ 285
- Danish Sound dues____ 729–738
- Denmark_____ 207, 210, 218, 236
- Dependencies____ 285
 See also Gt. Brit. Colonies.
- Dissolution of treaties:
 See Termination of treaties.
- Effect of treaties____ 12, 31, 71, 97
 See also War, Effect on
 treaties.
- Efficacy of treaties:
 See Legal force and execu-
 tion.
- Enforcement of treaties____ 107, 165,
 269, 282, 284, 285, 319, 333, 381
- Execution of treaties____ 18,
 28, 31, 33, 35, 36, 84, 85, 97, 224
 See also Legal force and
 execution.
- Expiration of treaties:
 See Termination of treaties.
- Extradition treaties____ 176,
 285, 294, 332, 380, 457, 469
- Federal convention, 1787, Treaty-
 making power as considered
 in _____ 490–524
- Federal courts, Jurisdiction of____ 285
- Finland____ 210
- Florida treaty, 1821____ 254, 285
- Forms of treaties____ 85, 107, 285
- France:
 Commercial treaties____ 446, 447
 Most-favored-nation____ 446, 447
 Ratification of treaties____ 140, 228
 Treaty-making power____ 198, 199,
 206, 207, 209, 210, 212,
 214, 218, 221, 223, 225,
 227, 229, 236, 237, 420
- Treaties—
 U. S. 1778____ 470, 565–571
 U. S. 1803____ 653–679
 U. S. 1831____ 350, 468, 739–752
- Germany:
 Most-favored-nation____ 44, 446, 447
 Ratification of treaties____ 140, 228
 Treaties____ 102, 240
 U. S. 1844____ 386, 767–775
 Treaty-making power____ 206,
 207, 209, 210, 212, 217,
 218, 220, 223, 236, 238
- Great Britain:
 Most-favored-nation____ 45,
 75, 154, 446, 447
 Ratification of treaties____ 140, 228
 Treaties, Collections of____ 22a, 42
 See also Treaties, Col-
 lections, General.
 Commercial____ 219, 446, 447
 Guaranty____ 103
 U. S. 1794____ 581–642
 U. S. 1815____ 680–690
 U. S. 1817____ 691–717
 U. S. 1818____ 718–725
 U. S. 1850 (*Clayton-Bul-
 wer*)____ 73, 794–860
 U. S. 1854____ 864–871
 U. S. 1897____ 915, 916

- Great Britain—Continued.
- Treaties, Collections of—Con.
 - U. S. 1901 (*Hay-Pauncefote*)----- 920-955, 992
 - Treaty-making power--- 22, 192-194, 196, 197, 199, 200, 203-210, 215, 216, 222-224, 226, 230-234, 236, 237
- Great Britain, Colonies:
- Ratification of treaties----- 228
 - Treaty-making power--- 241-252
- Great Lakes, Limitation of armament on----- 285, 691-717
- Greece----- 207, 210, 218, 236, 237
- Guaranty, Treaties of----- 41, 57, 61, 99, 99a, 103, 113, 132
- Bibliography ----- 61, 132
- Guatemala----- 237, 285
- Hawaiian Islands:
- Commercial treaties--- 285, 446, 447
 - Treaties—
 - U. S. 1875----- 881-893
 - U. S. 1884----- 896
 - U. S. 1897----- 917-919
- Hay-Pauncefote treaty--- 920-955, 992
- Hesse-Darmstadt----- 218
- History of treaties----- 7, 47, 48, 71, 127-131, 141, 166, 167, 184-187
- Honduras----- 237, 285
- House of Representatives and
- treaty-making power----- 200, 285, 302, 322, 323, 329, 330, 337, 358, 366, 401, 402, 412, 427-432, 436-438, 461a, 468, 500, 539, 540, 597, 599-602, 604, 606, 608-611, 613-616, 619, 621-623, 625, 626, 633, 638-644, 654, 684-690, 726
 - Bibliography----- 402
- See also* Appropriation, Treaties involving; U. S. Treaties, Cuba, 1902; Hawaiian Is., 1875, 1884; Mexico, 1883.
- Indian treaties----- 200, 285, 364, 365, 371, 381, 412, 417, 445, 471, 476, 478, 572-580
- International agreements:
- See* Agreements.
- International arbitration:
- See* Arbitration, International.
- Interoceanic canals:
- See* Clayton-Bulwer treaty;
 - Panama canal question.
- Interpretation of treaties----- 3, 5, 17, 18, 22, 28, 31, 33, 47, 48, 50, 60, 71, 73, 74, 97, 113, 122, 126, 166, 167, 175, 185-187, 285, 294, 457
- Bibliography ----- 60, 122
- Inviolability of treaties ----- 71
- Ireland ----- 210
- Isthmian canals:
- See* Clayton-Bulwer treaty;
 - Panama canal question.
- Italy:
- Commercial treaties--- 219, 446, 447
 - Ratification of treaties----- 228
 - Treaty-making power--- 206, 207, 209, 210, 212, 218, 223, 236, 237
- Japan:
- Commercial treaties--- 219, 446, 447
 - Treaties—
 - U. S., 1894----- 897-914
 - U. S., 1911----- 965-979
 - Treaty-making power--- 207, 218, 237
- Japanese school question----- 897-914
- Jay treaty--- 322, 323, 411, 468, 581-642
- Bibliography ----- 631
- Judicial decisions and treaties--- 200, 270-272, 440
- Digest of ----- 285
- Language of treaties ----- 188, 285
- Law of treaties--- 69, 74, 107, 189, 285
- Legal force and execution----- 35, 36, 71, 84, 85, 107, 113, 148, 285, 410
- See also* Execution of treaties.
- Legislation to give effect to treaties:
- See* Congress.
- Legislative bodies in relation to
- treaty-making power----- 27, 179, 195, 213, 223, 227, 238, 337, 343
 - Bibliography ----- 27, 179
- See also* House of Representatives; Senate.
- Liberia----- 237
- Limitation of armament on Great Lakes----- 285, 691-717
- Limitations of treaties----- 161, 189
- Limitations of treaty-making power----- 200, 257, 267, 337, 351, 422, 553, 558, 559, 582
- See also* Constitutional aspects.
- Louisiana treaty----- 285, 468, 653-679
- Luxemburg ----- 207

Mexico:		Peace, Treaties of--Continued.
Treaties—		Bibliography_____ 120
U. S. 1848_____ 792, 793		<i>See also</i> , War, Termination of.
U. S. 1853_____ 350, 361		Perfecting treaties_____ 31
U. S. 1888_____ 894, 895		Persia_____ 237, 285
Treaty-making power____ 207, 236		Peru_____ 237, 285
Migratory bird law_____ 460		Political treaties_____ 78, 97, 168, 285
Mississippi, Navigation of the____ 285,		Portugal_____ 207, 210, 218, 236
	522, 523	Postal treaties_____ 57, 285, 381
Monroe doctrine:		President, France:
<i>See</i> Clayton-Bulwer treaty;		Diplomatic powers of____ 199
U. S. Treaties, Mexico, 1853.		United States_____ 199, 254, 259, 263, 274, 275, 282, 284, 285, 303, 308, 318, 321-324, 373, 375, 406, 461a, 464, 548, 598
Montenegro_____ 210		Private international law, Treaties of_____ 97, 224
Morocco_____ 237		Protection, Treaties of____ 113
Most-favored-nation treaties____ 15, 19, 21, 25, 34, 38, 44, 53, 54, 58, 75, 78, 80, 112, 116, 118, 146, 149, 151, 154, 156, 163, 172, 177, 248, 285, 337, 346, 446, 447, 486		"Protocol" definition____ 285, 381
Bibliograph____ 15, 34, 44, 45, 156		Protocols, U. S._____ 457
Municipal law, Operation of treaties as____ 285, 410		Prussia_____ 212
Naval forces on Great Lakes____ 285, 691-717		Public international law, Treaties of_____ 97
Negotiation of treaties____ 18, 39, 79, 81, 97, 107, 183, 282, 284, 285, 412		Ratification of treaties____ 28, 31, 33, 39, 71, 79, 84, 85, 96, 97, 113, 115, 140, 148, 191, 195, 220, 228, 285, 344, 389
Netherlands____ 206, 207, 210, 218, 223, 237		Rebus sic stantibus____ 14, 67, 136, 144, 285, 943
Neutrality treaties____ 150, 285		Bibliography____ 67
Newfoundland fisheries dis- pute____ 718-725		Reciprocity treaties____ 38, 285, 287, 302, 311, 346, 381, 383- 387, 395, 401, 425, 426, 429, 430, 432, 433, 435, 436, 446, 447, 457
Nicaragua____ 237, 285		<i>See also</i> Commercial trea- ties; Most-favored-nation treaties; Treaties: U. S. Cuba, 1902; U. S. Gt. Brit., 1854; U. S. Hawai- ian Islands, 1875; Zollve- rein treaty, 1844.
<i>See also</i> Clayton-Bulwer treaty.		Reconfirmation of treaties____ 113
Non-political interests, Unions____ 113		Renewal of treaties____ 71, 113, 166, 167
North German Confederation treaty, 1868____ 431		Repudiation of treaties: <i>See</i> Termination of treaties.
Norway____ 207, 210, 218, 236, 237		Reservations____ 178, 201
Objects of treaties____ 113		Revenue laws, Treaties involv- ing a modification of____ 285
Obligation of treaties____ 4, 10, 35, 55, 74, 98, 107, 133, 159, 166, 167, 285, 391		Rights of legation and treaty____ 50
Outworn treaties____ 20		Rumania____ 207, 210
Panama____ 237, 285		Rush-Bagot convention____ 691-717
Panama canal question____ 920-955		Russia: Breach of treaties____ 72
Paraguay____ 237, 285		Most-favored-nation____ 446, 447
Paris, Treaty of, 1803____ 653-679		
Parties to treaties____ 113		
Passport question, Russian____ 753-766		
Patent treaties____ 57		
Peace, Treaties of____ 18, 28, 50, 52 97, 120, 121, 184, 166, 167, 183 185-187, 194, 285, 541, 980-1010		

- Russia—Continued.
- Ratification of treaties— 140, 228
 - Treaties—
 - U. S. 1832— 753–766
 - U. S. 1867— 358, 872–880
 - Treaty-making power— 207, 210, 218
 - Russian passport question— 753–766
 - Salvador— 207, 237
 - Sanctity of treaties— 30, 63, 137–139, 285
 - Savages, Treaties with— 82, 180
 - Saxony— 218
 - Secret treaties— 198, 203, 285, 412
 - Senate— 195, 200, 254, 256, 259, 271, 274, 275, 284, 285, 335–337, 355–357, 359, 360, 362, 373, 375, 378, 388–390, 392, 393, 405–407, 412, 461a, 464–468
 - Amendment of treaties— 284, 285, 416
 - Arbitration treaties— 236, 258, 451, 459, 980–1010
 - Reciprocity treaties— 287, 302, 311
 - Rejection of treaties— 228, 284, 285
 - Secret sessions— 285, 434
 - Treaties rejected by— 228
 - Servia— 207, 210, 218
 - Siam— 237
 - Sound dues, Danish— 729–738
 - Spain:
 - Commercial treaties— 219, 446, 447
 - Treaties—
 - U. S. 1795— 649–652
 - U. S. 1819— 726–728
 - U. S. 1884— 895
 - Treaty-making power— 207, 209, 210, 218, 223, 236, 237
 - State laws and treaties— 255, 266, 269–271, 276, 278, 279, 281, 285, 289, 294–296, 298, 308, 309, 315, 316, 319, 325, 337–340a, 348, 382, 396–398, 403, 410, 479, 486, 496, 505, 507
- See also* Supremacy of treaties; U. S. Treaties: Japan, 1894; Japan, 1911.
- Strengthening of treaties— 12
- Supremacy of treaties— 277, 278, 295, 297, 399, 409–411, 480, 481, 496, 513, 547, 654
- Sureties for fulfillment of treaties— 166, 167, 285
- Suspension of treaties— 153
- Sweden— 207, 210, 218, 236, 237
- Switzerland— 207, 210, 212, 218, 236, 237
- Telegraph treaties— 57
- Termination of treaties— 12, 22, 31, 33, 35, 39, 66, 71, 78, 84, 85, 97, 107, 113, 158, 166, 167, 282, 285, 291, 350, 409, 412
- See also* U. S. Treaties, Hawaiian Is. 1875; Russia, 1857.
- Territory, Acquisition or cession of, by treaty— 265, 285, 294, 337–340a, 353, 371, 399, 403, 412, 413, 468, 541, 548
- See also* U. S. Treaties: France, 1803; Hawaiian Is., 1897; Russia, 1867; Texas, 1844.
- Texas, Annexation of, 1844— 285, 313, 778–791
- Texts of treaties:
 - See* Treaties, Collections.
- Third states, Participation of, in treaties— 85, 113
- Trade-marks treaties— 57
- Treaties— 13, 31, 52, 54a, 54b, 56, 57, 59, 65, 69, 77–79, 81, 84, 85, 97, 101, 106, 108–110, 113, 124, 125, 134, 140, 142, 143, 152, 157, 162, 166, 167, 179, 285
- Collections, General— 1, 54a, 54b, 70, 86–94, 132a, 132b, 169–171, 188
- Canada— 273
 - France— 202
 - Germany— 240
 - Great Britain— 22a, 42
 - United States— 100, 182, 294, 299, 300, 314, 448–459
- History of— 7, 47, 48, 71, 127–131, 141, 166, 167, 184–187
- See also* Commercial treaties, Extradition treaties, Peace, Treaties of, etc.
- “Treaty” definition— 285, 381
- Treaty rights— 83, 161, 183, 224, 352
- Turkey:
 - Commercial treaties— 219, 446, 447
 - Treaty-making power— 207, 210, 218
- Unconstitutional law and treaties— 460

United States:		United States—Continued.
Agreements	261, 282, 285, 331, 381, 457	Treaties—Continued.
Arbitration treaties	236, 253, 258, 334, 354, 363, 379, 381, 394, 414, 915, 916, 980–1010	Hawaiian Islands, 1897 917–919
Commercial treaties	322, 323, 425–430, 500, 507, 510, 537, 540, 544, 562	Indians, Creek, 1790 572–580
Most-favored-nation treaties	19, 25, 38, 75, 177, 285, 337, 346, 446, 447, 486	Japan, 1894 897–914
Ratification of treaties	140, 228	Japan, 1911 965–979
Treaties, Abrogated	452–457	Mexico, 1848 792, 793
Collections of	100, 182, 294, 299, 300, 314, 448–459	Mexico, 1853 861–863
Fidelity to	337–340a	Mexico, 1883 894, 895
Judicial decisions	200, 270, 272, 285, 440	Russia, 1832 753–766
Treaties in force	448–457	Russia, 1867 358, 872–880
Treaties rejected by		Spain, 1795 649–652
Senate	228	Spain, 1819 726–728
Algiers, 1795	643–648	Spain, 1884 895
Cuba, 1902	956–964	Texas, 1844 285, 313, 778–791
Denmark, 1826	729–738	
France, 1778	470, 565–571	Treaty-making power:
France, 1803	653–679	General discussions, 209, 218, 223, 253–269
France, 1831	350, 468, 739–752	Under the Confederation 470–489
Germanic states, 1844	386, 767–775	In the Federal convention 490–524
Great Britain, 1794	581–642	Writings on the Constitution 525–564
Great Britain, 1815	680–690	Considerations in respect to Special treaties 565–1010
Great Britain, 1817	691–717	
Great Britain, 1818	718–725	Validity of treaties 71, 76, 97, 165, 202, 220
Great Britain, 1850	73, 794–860	Venezuela 207, 237
Great Britain, 1854	864–871	Violation of treaties 105
Great Britain, 1897	915, 916	Voidance of treaties 113, 285
Great Britain, 1901	920– 955, 992	War, Effect of, on treaties 22, 28, 29, 62, 64, 74, 123, 158, 176, 194, 285
Hawaiian Islands,		Bibliography 64, 123
1875	881–893	
Hawaiian Islands,		War, Termination of 49, 121
1884	896	See also Peace, Treaties of.
		Wurtemberg 218
		Zollverein, treaty, 1844 386, 767–775

